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# PAPERS

RELATIVE TO

## CANADA AND NEWFOUNDLAND

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# PAPERS

[23c, 23d, 23e, 23f, 23h.]

**RELATING** to the mutual recognition by Canada and Newfoundland of licenses issued to the United States fishing vessels, under the *modus vivendi*, and the division of the fees collected by the same. Papers respecting the fisheries on the Atlantic coast, including the separate arrangement proposed to be entered into by Newfoundland with the United States; also the enforcement by the Government of Newfoundland against Canadian vessels of the Newfoundland Bait Act.

OTTAWA, May, 1892.

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## No. 1.

*CERTIFIED COPY of a report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 11th April, 1887 :—*

The committee of the privy council have had their attention called to the reserved bill, passed by the legislature of Newfoundland, on the 21st of February last, entitled "An act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes," and now before Her Majesty's government for the royal assent.

The minister of marine and fisheries, to whom the said bill was referred for report as to its effect on Canadian fisheries, submits the following report thereon :

The first section of the bill is as follows :—

"No person shall

"(1) Export, or cause or procure to be exported, or assist in the exportation of, or

"(2) Haul, catch, purchase or sell for the purpose of exportation, or

"(3) Sell or purchase for the purpose of sale any herring, capelin, squid or other bait fishes from, on or near any parts of this colony, or of its dependencies, or from or in any of the bays, harbours or other places therein, without a special license in writing obtained from the receiver general of this colony, which license may be in the form set forth in the schedule hereto annexed, and shall be of no avail beyond the fishing season for which it is granted."

Any person found hauling, catching, taking, shipping or conveying any of the said fishes within the limits set forth, or having them in possession, may be examined on oath by a justice of the peace, officer of customs, fishery warden, or person commissioned for the purpose, as to whether the fish are intended for exportation or sale. If he refuses to answer, or answers untruly, or fails to produce a license, the vessel may be seized with tackle and outfit and brought before any stipendiary magistrate, and the person shall be guilty of an offence against the act.

The license provided for in the act is to be issued yearly.

The following are the penalties :—

First violation, a fine not exceeding \$1,000 and in default imprisonment not exceeding six months.

Second or subsequent offence imprisonment not exceeding 12 months, offenders are tried and fines recovered in a summary manner before a stipendiary magistrate by any person who may sue for the same. Half the fine goes to the prosecutor and half to the receiver general. The unsuccessful prosecutor in any case is paid his reasonable expenses and fair compensation for the time and labour expended in such prosecution. An appeal can be had from conviction of the magistrates' court to the next sitting of the supreme court.

In addition to the penalties above mentioned the vessel belonging to or used by the offender, with all outfit, tackle, &c., is liable to be forfeited and sold at public auction.

The act comes into force when the officer administering the government notifies by proclamation that it is Her Majesty's pleasure not to disallow the bill.

The bill, if it becomes law, will, to a large extent, affect British and Canadian fishing interests.

1. Our fishermen upon the Grand Banks will be cut off from their free supply of bait either by purchase or catch.

2. Our fishermen upon the coast of Labrador will be debarred from the privilege of free catch of herring and their hitherto untrammelled trading in herring.

3. Whatever trade is now done by Canadian vessels in herring or bait fishes upon the Newfoundland coast will be no longer left free.

In all these cases Canadian fishermen or merchants will be obliged to take a license from the Newfoundland government. The conditions upon which these licenses are to be given are not stated, nor is it known whether any license will be issued. In any case, they, if issued, are to be issued yearly.

It will be apparent therefore that Canadian fishermen run the risk of being entirely debarred from the Newfoundland coasts, so far as taking or dealing in herring, and other bait fishes is concerned, and if licenses are granted to them, will be put to great delay and some probable cost in obtaining them.

Any Canadian vessel, even with license, will be in danger of being brought before a stipendiary magistrate and if innocence is not satisfactorily proven, may be seized and upon conviction confiscated.

Before such conviction could have been reviewed by the supreme court, the venture for the season would be broken up.

It is to be borne in mind that while this would be the condition of things as regards Canadian fishermen and traders on Newfoundland coasts, Newfoundland fishermen and traders on the Canadian coasts would have free right to catch, purchase and trade in all kinds of fish.

The copies of telegrams annexed indicate the extent to which Canadian vessels rely on procuring bait in Newfoundland for carrying on their operations. It will also be observed that the purchase of herring on the south and west sides of Newfoundland, and on the Labrador shore forms a part of the business of these vessels.

It is estimated that at least three hundred vessels engaged in the bank and Labrador fisheries received the fishing bounty in 1885.

Of one hundred and twenty-one vessels, hailing from Lunenburg, Nova Scotia, which have filed claims for bounty in 1886, 85, measuring 7,314 tons, are known to have been engaged in this fishery.

It is further to be observed that in the event of the proposed bill becoming law, British and Canadian fishermen will be placed at a disadvantage as compared with United States fishermen in those portions of the coasts of Newfoundland and its dependencies on which, by the convention of 1818, United States fishermen were granted the liberty of taking fish.

The following are the copies of telegrams above alluded to :—

OTTAWA, 30th March, 1887.

C. E. KAULBACH, Lunenburg, N.S.

Please say to what extent Nova Scotia fishing vessels, fishing on Banks and the coasts of Labrador are dependent upon getting bait in Newfoundland, and if this privilege is indispensable to their business; also whether the purchase or catching of herring, either by trading or fishing vessels, in Newfoundland or in Newfoundland's part of the coast of Labrador is carried on to any considerable extent.

JOHN TILTON, D.M.F.

LUNENBURG, 31st March, 1887.

JOHN TILTON, Deputy Minister Fisheries, Ottawa.

Privilege of purchasing bait on south side of Newfoundland absolutely indispensable to success of Nova Scotia fishermen. Greater part of season on Grand Banks.

Our vessels to Labrador get bait on that shore, but this business not nearly so extensive as formerly, owing to partial failure of cod.

Both trading and fishing for herring is carried on to considerable extent by Nova Scotia vessels on south and west sides Newfoundland, also Labrador shore in latter part of season and early winter.

C. E. KAULBACH.

The minister of justice to whom the report of the minister of marine and fisheries was referred, concurs in the views therein expressed and submits the following additional observations:—

It seems desirable that the attention of Her Majesty's government should be called to some of the very unusual provisions of this bill. The prohibition in reference to purchasing bait extends to all places "on or near any parts of the colony of Newfoundland and its dependencies." This really gives no limit to the extent of the enactment, capable of being defined, and inasmuch as a violation of the provisions of the bill is to be followed by very heavy penalties, he, the minister of justice, thinks that such an enactment would be embarrassing and oppressive in its operation.

The bill gives extraordinary jurisdiction to stipendiary magistrates. The most stringent acts against fishing by foreign vessels in other parts of North America have given such jurisdiction only to the vice admiralty courts. The stipendiary magistrates' courts are inferior tribunals, without any regular legal procedure, and presided over by persons who are not necessarily possessed of legal qualifications.

The bill contains extraordinary inducements to persons to take up the task of prosecution. On conviction half of the fine goes to the prosecutor; on acquittal the prosecutor is still to be rewarded, so that encouragement is given to those who would be disposed to harass and annoy vessels from other parts of British North America by prosecutions which cannot be sustained.

It is to be observed that the appeal which is to be given from the stipendiary magistrates' decisions is of little advantage, as the fishing season would probably be past, and a captured vessel be rendered comparatively useless before the termination of the appeal.

The committee concur in the views above set forth, and they advise that a remonstrance against the royal assent being given to this bill be forwarded by telegraph and despatch to Her Majesty's principal secretary of state for the colonies.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE, Clerk, Privy Council.

## No. 2.

(Cablegram from London.)

20th April, 1887.

Despatch not received. Your fishermen are on same footing as our own, under bait bill, and no practical impediment in way of either. Our government will give any necessary guarantee that this is our reading of the act. Advise Colonial Office by cable soon as possible that this explanation is satisfactory.

THORBURN,  
SHEA.

To Minister Marine and Fisheries,  
Ottawa.

## No. 3.

(Telegram from St. Johns, Nfld.)

20th April, 1887.

We learn with surprise and regret your government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized to give you fullest assurance no interference or hindrance whatever of Canadian fishermen contemplated. Act necessarily framed so as to confer upon governor discretionary powers in granting licenses to sell or export bait, our only object being to prevent supply to foreign subsidized rivals. Fulllest rights and privileges of all British fishermen to take or purchase for their own

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use, as hitherto enjoyed, will be maintained. Please communicate this information to your representative or agents in London, to remove objection to our act and promote royal assent.

The Minister of Marine and Fisheries,  
Ottawa.

ATTORNEY GENERAL

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No. 4.

(Telegram from Ottawa.)

OTTAWA, 22nd April, 1887.

Mail to-day copy of minute of Council, fully explaining Canada's position.

G. E. FOSTER.

The Attorney General,  
Newfoundland, St. Johns, Nfld.

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No. 5.

(Telegram from St. Johns, Nfld.)

23rd April, 1887.

No mail from Halifax for here till 11th May. Can you inform us substance your minute?

ATTORNEY GENERAL.

To Minister Marine and Fisheries,  
Ottawa.

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No. 6.

(Telegram.)

OTTAWA, 26th April, 1887.

Objections are your bill compels license to fish or trade in fish; gives no guarantee, and states no conditions of license. Limits of prohibition indefinite, "on or near any parts, &c." Powers of magistrates and inducements to prosecutors extraordinary. Appeal useless so far as saving venture for the season. Discrimination in favour United States fishermen, Labrador and south and west coasts, and all this while Newfoundland has free fishing and trading in Canada.

G. E. FOSTER.

Attorney General,  
St. Johns, Newfoundland.

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No. 7.

Telegram to Sir Charles Tupper from Colmer.

12th May, 1887.

Newfoundland Bait Bill received royal assent; comes into force next year. Herbert says Newfoundland government gives assurance that Canadian vessels will be treated same way as Newfoundland ones.

J. C. COLMER.

To Sir CHARLES TUPPER.



## No. 8.

*Sir H. Holland to the Governor General.*

DOWNING STREET, 28th July, 1887.

MY LORD,—With reference to your telegram of the 21st of July and to my reply of the 26th instant, relating to question of separate arrangements being made between the Newfoundland and the United States Governments respecting the fisheries, I have the honour to transmit to you, for the information of your ministers, copies of the correspondence noted in the margin.

I have, &c.,

H. T. HOLLAND.

Governor General,

The Most Honourable

The Marquis of Lansdowne, G.C.M.G., &c., &c.

[Enclosure 1 in No. 8.]

*Sir A. Shea to the Colonial Office.*

LONDON, 4th July, 1887.

DEAR SIR ROBERT,—I think it well to leave with you a copy of a letter from the United States Minister in relation to the separate arrangement with Newfoundland for the settlement of the fishery question with that colony.

In my present position I can, of course, take no further step in the matter except under direction from Her Majesty's Government.

Yours,

A. SHEA.

Sir R. G. W. HERBERT, K.C.B.

[Enclosure 2 in No. 8.]

OFFICE OF LEGATION, UNITED STATES,

LONDON, 16th June, 1887.

DEAR SIR AMBROSE,—Should the government of Newfoundland see fit to give notice that American fishermen be admitted to the ports of that province for the purpose of obtaining supplies, the proposal will be cordially accepted and acted on by the government of the United States. In that event there would be no objection, on the part of the United States Government, to entertain suggestions for an independent agreement in respect to the fisheries of Newfoundland if made by the authorized agents of the Imperial Government.

Yours, etc.,

E. J. PHELPS.

[Enclosure 3 in No. 8.]

(Telegraphic.)

*Sir H. Holland to the Governor General of Canada and the Governor of Newfoundland.*

26 July, 1887. (Yours 21st following telegram sent this day to Officer Administering the Government of Newfoundland:—) \*

A letter from United States Minister to Sir Ambrose Shea, touching possibility of separate arrangements being made with Newfoundland respecting fisheries has been sent here by Shea. Inform your government that no action should be taken in this direction without full previous communication with Her Majesty's government. (End of telegram \*)

Despatch follows.

\* To Canada only.

[Enclosure 4 in No. 8.]

*Sir H. T. Holland to the Officer Administering the Government of Newfoundland.*

DOWNING STREET, 28th July, 1887.

SIR,—I have the honour to transmit to you herewith, for your information, a copy of a letter from Sir Ambrose Shea, enclosing a communication from the United States Minister at this court, relating to the question of separate arrangement being possibly made with Newfoundland on the subject of the fisheries.

You will be careful to bear in mind that it is the wish of Her Majesty's government that no separate action should be taken by the Newfoundland government in the direction suggested, without full previous communication with Her Majesty's government.

I informed you to this effect by my telegram of the 26th instant.

I have, &c.,

H. T. HOLLAND.

The Officer Administering  
the Government of Newfoundland.

**No. 9.**

*Sir Henry Holland to Lord Lansdowne.*

DOWNING STREET, 22nd August, 1887.

MY LORD,—With reference to my despatch, secret, of the 28th of July, I have the honour to transmit to you, for communication to your ministers, a copy of a despatch from the officer administering the government of Newfoundland, forwarding a copy of a minute of the executive council of that colony with regard to the proposed separate arrangement with the United States on the fisheries question.

I may add that the government of Newfoundland has stated that no steps towards a separate arrangement will be taken by them without the knowledge of Her Majesty's government.

I have, &c.,

H. T. HOLLAND.

Governor General the Most Honourable  
The Marquis of Lansdowne, G.C.M.G.

[Enclosure 1 in No. 9.]

*Administrator Carter to Sir H. T. Holland.*

GOVERNMENT HOUSE, NEWFOUNDLAND, 3rd August, 1887.

SIR,—With reference to the proposal for a separate fishery arrangement between the United States and this colony, I have the honour to enclose a minute of the executive council just delivered to me for transmission.

I have not deemed it necessary to make any observations on this, as the subject and circumstances are so well known to Her Majesty's government.

I have, &c.,

F. B. T. CARTER,

*Administrator.*

The Right Honourable  
Sir Henry Holland, Bart., G.C.M.G., M.P.

[Enclosure 2 in No. 9.]

*Extract from Minutes of the Executive Council of the 3rd August, 1887.*

A communication was read from Sir A. Shea, enclosing a letter to him from Mr. Phelps, United States Minister in London, on the subject of negotiations for an arrange-

ment between the United States government and this colony in regard to fishery questions, and to the effect that the granting of permission, during the present season, to the United States fishermen to obtain supplies in the ports of this colony, would be regarded with favour by the government of the United States in connection with such negotiations.

The council are gratified at the expression, on the part of the United States government, of a disposition on their part to enter into negotiations in relation to this important question in a friendly spirit.

The council are of opinion that it would be greatly to the advantage of the colony to be in a position to negotiate for an independent ("separate") arrangement with the United States in relation to fishery and other questions, and that it is desirable that authority should be obtained from Her Majesty's government for the purpose of opening communication with the United States government upon the subject as soon as opportunity may appear favourable, subject to such conditions as Her Majesty's government may consider it advisable to prescribe.

M. FENELON,  
*Colonial Secretary.*

### No. 10.

OFFICE OF THE HIGH COMMISSIONER, 9 VICTORIA CHAMBERS,  
LONDON, S. W., 23rd August, 1887.

SIR,—I have the honour to transmit to you, herewith, for the information of the government, a copy of a letter, with its enclosures, which I have received from the Colonial Office, relative to the proposed separate arrangement between the United States and Newfoundland on the fisheries question.

I have, &c.,

CHARLES TUPPER,  
*Minister of Finance*

The Honourable  
THE SECRETARY OF STATE,  
Ottawa, Canada.

[Enclosure 1 in No. 10.]

*Colonial Office to the High Commissioner for Canada.*

· DOWNING STREET, 22nd August, 1887.

SIR,—I am directed by Secretary Sir Henry Holland to transmit to you, for your information, a copy of a despatch from the officer administering the government of Newfoundland, forwarding a copy of a minute of the executive council of that colony with regard to the proposed separate arrangement with the United States on the fisheries question.

I am to add that the government of Newfoundland has stated that no steps towards a separate arrangement will be taken by them without the knowledge of Her Majesty's government.

I am, &c.,

ROBERT G. W. HERBERT.

The High Commissioner  
for Canada.

[Enclosure 2 in No. 10.]

*Administrator Carter to Sir H. T. Holland.*

GOVERNMENT HOUSE,  
NEWFOUNDLAND, 3rd August, 1887.

SIR,—With reference to the proposal for a separate fishery arrangement between the United States and this colony, I have the honour to enclose a minute of the executive council just delivered to me for transmission.

I have not deemed it necessary to make any observation on this, as the subject and circumstances are so well known to Her Majesty's government.

I have, &c.,

F. B. T. CARTER,  
*Administrator.*

The Right Honourable  
Sir HENRY HOLLAND, Bart.,  
G.C.M.G., M.P., &c., &c.  
Newfoundland.

[Enclosure 3 in No. 10.]

*Extract from minutes of the Executive Council of the 3rd August, 1887.*

A communication was read from Sir A. Shea, enclosing a letter to him from Mr. Phelps, United States Minister in London on the subject of negotiations for an arrangement between the United States and this colony in relation to fishery questions, and to the effect that the granting of permission during the present season to the United States fishermen to obtain supplies in the ports of this colony, would be regarded with favour by the government of the United States in connection with such negotiations.

The council are gratified at the expression on the part of the United States government of a disposition on their part to enter upon negotiations in relation to this important question in a friendly spirit.

The council are of opinion that it would be greatly to the advantage of the colony to be in a position to negotiate for an independent (separate) arrangement with the United States in relation to fishery and other cognate questions and that it is desirable that authority should be obtained from Her Majesty's government for the purpose of opening communication with the United States government upon the subject as soon as opportunity may appear favourable, subject to such conditions as Her Majesty's government may consider it advisable to prescribe.

M. FENELON,  
*Colonial Secretary.*

#### No. 11.

*CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 11th October, 1887.*

The committee of the privy council have had under consideration a despatch dated 20th May, 1887 (secret), from Sir Henry Holland, enclosing copies of correspondence which had passed between the colonial office and representatives of the government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

The minister of marine and fisheries, to whom the papers were referred, reports as follows:—

"It appears from the correspondence that a copy of the minute of council dated 11th April, 1887, urging the objections taken by the Canadian government to the Bait Bill becoming law, was submitted to Sir R. Thorburn and Sir Ambrose Shea for their consideration. The replies made thereto by these gentlemen conveyed ample assurances that the government of Newfoundland in the passage of this bill were not actuated by

any desire to curtail the privileges of British fishermen, and had no intention of allowing the law to be operated to their prejudice; that no regulations were proposed which would unnecessarily hamper the operations of their own and British fishermen, and that every facility would be afforded for procuring the licences under the act."

Sir R. Thorburn also authorized the despatch of a telegram by the attorney-general of Newfoundland to the Canadian government, conveying the assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be practically no restriction on the bait supply of any British subjects.

These assurances appeared to Her Majesty's government to offer such sufficient safeguards for Canadian interests that Her Majesty was at once advised to assent to the bill.

The committee concurring in the report of the minister of marine and fisheries respectfully recommend that your excellency be moved to transmit a copy of the despatch above mentioned, and enclosures (permission having been obtained from the Colonial Secretary) to his excellency the Governor of Newfoundland, for the consideration of his ministers and with a request that they will indicate at the earliest convenient period the nature of the regulations under which it is proposed that Canadian subjects shall enjoy the rights of fishing and procuring bait in the territorial waters of Newfoundland.

The committee further recommend that your excellency be also moved to transmit a copy of this minute to his excellency the Governor of Newfoundland.

All which is respectfully submitted for approval.

JOHN J. McGEE,  
*Clerk Privy Council.*

[Enclosure 1 in No. 11]

DOWNING STREET, 20th May, 1887.

(Canada.—Secret.)

MY LORD,—I have the honour to acknowledge the receipt of your despatch, secret, of the 12th of April, forwarding a minute of the privy council urging objections to the bill for regulating the sale of bait passed in the present session of the Newfoundland legislature.

I caused your despatch and its enclosure to be referred to Sir R. Thorburn and Sir A. Shea, who had been delegated by the house of assembly of Newfoundland to make representations to Her Majesty's government on the subject of this bill, and I enclose for communication to your ministers copies of their replies, and also copy of a memorandum by Sir Alexander Campbell, whom I consulted on the subject.

The explanation given by Sir R. Thorburn as to the scope of the measure and his assurance as to the manner in which it will be worked, appeared to Her Majesty's government to offer sufficient safeguards for Canadian interests, and they did not therefore hesitate to advise Her Majesty to assent to it.

Should your government desire such a formal assurance as to the issue of licenses under the act as is suggested in the 4th paragraph of Sir A. Campbell's memorandum, I have no doubt it will be readily given by the government of Newfoundland.

I have, &c.,

H. T. HOLLAND.

[Enclosure 2 in No. 11.]

*Sir A. Campbell to Colonial Office.*

(Private.)

MEMORANDUM.

BROWN'S HOTEL, DOVER STREET,  
LONDON, 29th April, 1887.

I have read the despatch of the Marquis of Lansdowne, dated Government House, Ottawa, Canada, 12th April, 1887.

The Newfoundland bill is open to the objections which are taken in the despatch and its enclosures, particularly when read in connection with the explanation said to have been used in the legislature of Newfoundland by the attorney general of the island.

The object of the bill, as avowed by the delegates from Newfoundland, is not that which the Canadian government has apprehended. Sir Robert Thorburn and Sir Ambrose Shea affirm that the bill was intended exclusively against foreign fishermen (French). Upon that assumption the enactments, which are criticized in Lord Lansdowne's despatch, and the enclosures, would not have seemed formidable, in my opinion, to the Canadian government. There would, perhaps, have been embarrassment in Newfoundland in framing the bill to give effect to the intentions with which the delegates say it was passed, but why then did the attorney general of Newfoundland give the interpretation of it which is referred to in Lord Lansdowne's despatch?

It will be impossible for the legislature of Newfoundland which is understood to be now sitting, to alter the language of the bill, but perhaps it might be done at another session by that legislature. In the meantime, I should think that an official declaration from Newfoundland (which should, I think, rather be addressed to the secretary of state for the colonies than to the Canadian government), stating that licenses under the act would issue to Her Majesty's subjects in Canada and elsewhere, on the same terms as to those residing in Newfoundland, should be sufficient to induce the withdrawal by the government of Canada of the protest contained in Lord Lansdowne's despatch.

The penalties mentioned in the bill, and other features objected to by the Canadian government, strike me as matters over which the legislature of Newfoundland had control, and may have been considered by them necessary to remedy an evil which they assert is ruining the colony.

I have not heard from the Canadian government on the subject, and have no authority from them, but have simply indicated my own opinion.

A. CAMPBELL.

[Enclosure 3 in No. 11.]

*Sir A. Shea, K.C.M.G., to Colonial Office.*

4 PRINCESS STREET, HANOVER SQUARE,  
27th April, 1887.

Hon. Sir R. C. A. HERBERT, K.C.B.,  
&c., &c., &c.

SIR,—I have the honour to acknowledge the receipt of your letter of this date enclosing copy of despatch from the governor-general and minute of council of Dominion government objecting to the confirmation of the Newfoundland Bait Act by Her Majesty's government.

This act was passed to protect the bait fisheries on the Newfoundland coast against their use by foreigners whose bounty assisted operations have been disastrous to British interests. The measure embraces the rights of all British fishermen, and regards them in the same light in every respect. Canadian fishermen, in common with our own, are seriously affected by the bounty assisted rivalry of foreigners, and must in a corresponding degree be benefitted by our conservative legislation.

The working clauses of the act are such as local knowledge only could have wisely devised for its effective execution, and I may observe that they were adopted mainly by regard to their application to the limited number of our own people by whom it was thought the chief efforts might be made to infringe on its provisions.

Such an enactment was necessarily framed in general terms to avoid the declaration of its specific bearing on foreigners, which, on international grounds, might have raised difficulties to its acceptance by Her Majesty's government. But I feel the Dominion government has no real ground for its opposition, from which it will at once



recede when authorized assurances are given that in carrying out the law no supposed ambiguity in its terms will be allowed to operate to the prejudice of Canadian fishermen, with whom we have common rights on the coasts of the Dominion.

It must, I submit, be manifest that the course taken by the Dominion government has arisen from a complete misapprehension of the views and purposes of the Newfoundland legislature, and while I should regret if they could be justified in their conclusion of such unfriendly legislation, I feel Her Majesty's government will be satisfied that such impressions are unfounded, and moreover are fully explained away by our statement of the aims of the act and its assured uniform application to all British subjects. I do not think it necessary to consider the objections in detail, but I would observe that the objection taken to the "immediate neighbourhood" to be included for the purposes of the law, is answered by the fact that the law cannot operate outside the jurisdiction of the government of Newfoundland, and that the terms "immediate neighbourhood" must be construed as being within this limitation.

I have, &c.,

A. SHEA.

[Enclosure 4 in No. 11.]

*Sir R. Thorburn, K.C.M.G., to Colonial Office.*

4 PRINCESS STREET, HANOVER SQUARE,

27th April, 1887.

SIR,—I beg to acknowledge receipt of your communication of to-day's date covering copy of a despatch from the government of the Dominion of Canada of date 12th April, embodying a minute of the privy council, setting forth certain objections to the Newfoundland Bait Act, and asking Her Majesty's government to delay giving assent to that measure until an opportunity had been afforded the government of Canada of expressing an opinion on its assumed interpretation of the act.

I feel constrained to say that such opinion is at entire variance with the spirit and intention of the Act, and feeling certain that such is the case, I waive consideration of the question how far the government of Canada, or, indeed, that of any other government, save that of Her Majesty, has any right to interfere in a question which involves the right of the legislature of Newfoundland to make such laws as it may deem proper for the regulation of its own internal affairs and the conservation of its property, rights which are not affected by treaty obligations, nor in their operation under the proposed act interfering *deferentially* with the privileges of any portion of Her Majesty's subjects.

I append copies of cable despatches already sent to our own provincial government and that of the Dominion, which, I venture to say, very clearly define the intention and scope of the proposed legislation, and I reiterate the assertion that by no manner of construction, implied or otherwise, can the act be construed to affect in a *deferential* manner the fishermen of any British possession, but it will, I submit, be readily conceded that the colony of Newfoundland has a perfect right to enact such local regulations as may be deemed necessary for the efficient management of its inshore fisheries, and to which the fishermen of all parts of Her Majesty's dominions must be amenable in like manner as are the inhabitants of the colony.

To illustrate the case more forcibly, the fishermen of Newfoundland, when participating in the fisheries of the Dominion, a *matter of frequent occurrence*, must and do conform to the local regulations governing the same, and it would be presumption on their part to argue that any other course could be pursued.

Why, then, should Canada assume the right of interference with similar regulations in a sister colony over which she exercises no jurisdiction?

I respectfully submit that the objections raised are entirely untenable, and cannot be founded on grounds other than entire misconception of the scope and intentions of

the measure, which, so far from prejudicially affecting the interests of Canadian fishermen, must materially assist the success of their operations in curtailing the competition of foreign fishermen—firstly, in procuring the essential supply of bait, and secondly, in diminishing the quantity of bounty produced fish, the depressing influence of which in foreign markets has been experienced by Dominion fishermen as well as by those of Newfoundland.

No difficulty will arise in procuring the license required by the act, as it cannot be supposed that regulations will be imposed that would hamper the operations of our own fishermen in an equal if not greater degree than those of our neighbours, and provision will be made on all parts of the coast of Newfoundland for the issue of licenses.

The objections taken to the mode of procedure in cases of violation of the act I do not propose to discuss further than to say that here again the penalties are of general application, and the Dominion government cannot reasonably object to a penalty that will fall with equal severity on our own citizens.

The inference drawn by Sir G. W. Des Vieux in his despatch relative to the Bait Bill, that Canada would suffer from its disallowance, inasmuch as American and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, particularly if excluded from this privilege in the Dominion, seems a perfectly correct conclusion, and serves practically to illustrate the desirability of British fishermen retaining the undivided control of so important an element as the bait supply, giving them a vantage ground over their bounty-sustained rivals.

No importance need be attached to the point raised as to the application of the Bait Act to the coast of Labrador, as that coast is not frequented by fishermen trading in bait, and there is therefore no necessity for interference with fishing operations outside of the scope of this act.

I have not seen the question nor answer of the attorney general of Newfoundland, as to the application of the Bait Bill to Canadian fishermen, but I am certain his answer, however construed, could only apply in the manner I have indicated.

I have, &c.,

ROBT. THORBURN,  
*Premier Newfoundland.*

Sir ROBT. C. W. HERBERT,  
&c., &c., &c.

[Enclosure 5 in No. 11.]

*Attorney General.*

Canadian government evidently misunderstood scope and intention of our Bait Act. Assure them promptly by telegraph that their fishermen will enjoy equal privileges with our own, and that practically there will be no restrictions on bait supply of any British subjects.

THORBURN.

*To Sir C. Tupper, Ottawa.*

Your fishermen are on same footing as ours under Bait Bill, and no practical impediment in way of either. Our government will give any required guarantee that this is our reading of the act. Advise colonial office soon as possible that this explanation is satisfactory.

THORBURN,  
SHEA.

## No. 12.

*Governor of Newfoundland to Lord Lansdowne.*

GOVERNMENT HOUSE, NEWFOUNDLAND, 28th November, 1887.

His Excellency

The Marquis of LANSDOWNE, G.C.M.G.

MY LORD,—I have the honour to acknowledge the receipt of your letter of the 20th October, enclosing correspondence concerning the Newfoundland Bait Bill, which I laid before my ministers.

I have the honour to inform your lordship that the act will not come into operation till January next, the regulations of which have not yet been framed, but as soon as they are, published copies of the rules will be forwarded to the Canadian government.

I have, etc.,

HENRY A. BLAKE,

*Governor.*

## No. 13.

*CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 11th May, 1888.*

On a memorandum dated 9th May, 1888, from the minister of marine and fisheries recommending that in pursuance of the act of parliament of 1888, entitled "An Act respecting a Treaty between Her Britannic Majesty and the President of the United States" and pending the ratification of said treaty the *modus vivendi* set forth in the Protocol, Schedule B., of said Treaty be put in operation, and that in accordance with section 1 of said protocol, he be authorized to issue to United States fishing vessels through the collectors of Her Majesty's customs at recognized ports of entry in Canada, or such other officer of the government of Canada as it may be found expedient to appoint, annual licenses in the annexed form, granting United States vessels permission to enter Canadian bays and harbours on payment of a fee of \$1.50 per registered ton, for the following purposes, namely:—

- (a.) The purchase of bait, ice, seines, lines, and all other supplies and outfits.
- (b.) Transhipments of catch for transport by any means of conveyance.
- (c.) Shipping of crews.

Subject always on the part of vessels holding such license to a due observance of the laws of Canada.

The minister further recommends that in view of the provisions contained in section 1 of the protocol above referred to, the government of Newfoundland be advised of the intention of the Dominion government to issue these licenses and to invite on the part of that government a recognition in the bays and harbours of Newfoundland of licenses issued by the Dominion of Canada to United States fishing vessels and to convey to the government of Newfoundland an intimation of the willingness of the Dominion government to recognize to a like extent all licenses issued by the government of Newfoundland to United States fishing vessels, it being understood that in cases where such fishing vessels under license enter during the same year parts both of the Dominion of Canada and of Newfoundland, the fees collected upon the licenses shall be equally divided between the respective governments.

The minister, with the concurrence of the minister of customs, also recommends that under the provisions of section 3 of the protocol of the treaty of Washington all United States fishing vessels entering the bays and harbours of the Atlantic coast of Canada, for any of the four purposes named in article 1 of the convention of 1818, and not remaining therein more than 24 hours, shall not be required to enter and clear at the customs house, provided they do not communicate with the shore.

The committee advise that your excellency be moved to forward a copy of this minute to the right honourable the secretary of state for the colonies, and to Her Majesty's minister at Washington.

The committee further advise that your excellency be also moved to forward a copy of this minute to the governor of Newfoundland for the information of his government.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

*Governor of Newfoundland to Lord Lansdowne.*

12th May, 1888.

My government agree to your proposition with the proviso that in cases where any vessels use the coast of the Dominion and of Newfoundland, the license fee shall be equally divided, also that all annual licenses shall expire on the 31st December in each year.

GOVERNOR, NEWFOUNDLAND.

No. 15.

OTTAWA, 11th June, 1888.

The Hon. M. FENELON,  
Colonial Secretary,  
St. Johns, Newfoundland.

SIR,—I have the honour by direction of the honourable the minister of marine and fisheries to enclose triplicates of licenses issued by the collector of customs at Port Hood, N.S., to the following United States fishing vessels:—

"Bessie M. Wells," of Gloucester, Mass., 92 tons, Wm. N. Wells, master. Issued by Collector Tremain, of Port Hood, N.S.

"Alert," of Gloucester, Mass., 87 tons, James McShara, master. Issued by Collector Tremain, of Port Hood, N.S.

I am also to state that triplicates of licenses\* issued will be forwarded you from time to time as received by this department.

The minister will be glad to be furnished, as may be convenient, with duplicates, or list of licenses issued under the *modus vivendi* to United States fishing vessels under the authority of the government of Newfoundland.

I beg also to enclose for your information copy of the confidential instructions which have been issued to the collectors of customs at all ports in the maritime provinces, at which United States fishing vessels are likely to call.

I have the honour to be, sir, your obedient servant,

JOHN TILTON,  
Deputy Minister of Fisheries.

No. 16.

*Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 2nd July, 1888.*

The committee of the privy council have had under consideration a telegraphic despatch dated 12th May, 1888, from the Governor of Newfoundland, advising that his government agree to the proposition for an equal division of the fees in cases where

\* During the year 1888, as licenses were issued, copies were supplied as above to the colonial secretary of Newfoundland. This was continued well on into the season of 1889, when finding no response, was discontinued.

United States fishing vessels, obtaining licenses under the *modus vivendi*, use the coasts of Newfoundland and of the Dominion, and suggesting that all annual licenses shall expire on the 31st of December in each year.

The minister of marine and fisheries, to whom the above telegram was referred, submits that under the proviso of the *modus vivendi*, that annual licenses be issued, he is of the opinion that licenses so issued should run a year from the date of issue, and he recommends that, if this view be adopted, the Governor of Newfoundland be informed through the usual channel accordingly.

The committee, concurring, advise that your excellency be moved to inform the Governor of Newfoundland of the opinion of the Dominion government and to express the hope that this reading of the *modus vivendi*, may be accepted by the government of Newfoundland.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,

*Clerk of the Privy Council.*

### No. 17.

*Governor of Newfoundland to Lord Stanley.*

GOVERNMENT HOUSE, NEWFOUNDLAND, 29th August, 1888.

MY LORD,—With reference to your lordship's letter dated 16th July, I have the honour to enclose an extract from minutes of council of 21st August, 1888, in relation to the duration of licenses granted to United States fishing vessels under the *modus vivendi*.

I have, etc.,

HENRY A. BLAKE.

[Enclosure 1 in No. 17.]

#### EXTRACT from minutes of Council of 21st August, 1888.

The council have had under consideration despatch from the Governor General of Canada of 16th July, forwarding copy of minute of the privy council of Canada, which expresses the view that licenses issued under the proviso of the *modus vivendi* to United States fishing vessels should run a year from date of issue, and commends this reading of the *modus vivendi* to the acceptance of this government.

In reference to the principle involved, the council would observe that it was understood in the colonial legislature on the passing of the act giving effect to the Fishery Treaty, that the licenses would be granted for the fishing season of each year, and that this would seem to be the legitimate reading of the *modus vivendi*, may, the council think, be inferred from the fact that the arrangements made by the protocol is only to continue in operation for two years at the most, from February, 1888, for, whilst this period would permit two annual licenses in the sense understood by this government and legislature, only one annual license could be issued under the reading of the Canadian privy council which would leave varying fractions of a year to be specially provided for.

The adoption of the view of the privy council would besides materially complicate the arrangements of this government, as all licenses granted by them up to the present date to United States fishing vessels are expressed to expire on the 31st December, 1888.

For these reasons the council regret that they are unable to accept the proposition of the privy council.

(A correct copy.)

J. N. WITHERS,

*For Clerk of Executive Council.*

## No. 18.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 15th September, 1888.

The committee of council have had under consideration a despatch dated 29th August, 1888, from the Governor of Newfoundland, in relation to the duration of licenses granted to United States fishing vessels under the *modus vivendi* of the "Treaty of Washington Act, 1888."

The minister of marine and fisheries, to whom the matter was referred, reports that a minute of council of the 2nd July last was communicated to the Governor of Newfoundland, acceding to the proposal of his government for an equal division of the fees in cases where the United States fishing vessels obtaining licenses under the *modus vivendi* use the coasts of Newfoundland and of the Dominion, but that with reference to the further suggestion of the government of Newfoundland that all licenses should expire on the 31st of December in each year, the committee of council did not concur, but approved of his recommendation that licenses issued under the *modus vivendi* should run a year from the date of issue, and the committee recommended this view for the consideration of the government of Newfoundland.

The minister states that it appears from the despatch now under consideration that the executive council of Newfoundland, for reasons therein set forth, are unable to accept the proposition of the privy council of Canada as to the duration of the licenses issued under the *modus vivendi*.

The committee, upon further consideration of the subject, and in view of the necessity of a uniform action by the two governments in this regard, recommend that the suggestion of the government of Newfoundland be concurred in, and that in future all annual licenses issued under the *modus vivendi* should expire on the 31st of December in each year, and that as the licenses already granted in Canada under the *modus vivendi* have been for twelve calendar months from the date of issue, to avoid any inconvenience to United States fishing vessels holding such licenses, the government of Newfoundland be requested to recognize their validity.

The committee advise that your excellency be moved to transmit a copy of this minute, if approved, to the Governor of Newfoundland for the information of his government.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE.

Clerk of the Privy Council.

## No. 19.

Governor Blake to Lord Stanley.

GOVERNMENT HOUSE, NEWFOUNDLAND, 2nd October, 1888.

The Right Honourable,  
Lord Stanley of Preston,  
etc., etc.

MY LORD.—I have the honour to acknowledge the receipt of your lordship's despatch of 25th September, enclosing an approved report of the privy council agreeing to the suggestions of my government as to the duration of licenses granted under the *modus vivendi*, and to acquaint your lordship that my government will recognize the validity of all licenses granted by the Dominion of Canada at present.

I have, &c.,

HENRY A. BLAKE.

## No. 20.

Hon. M. FENELON,  
Colonial Secretary,  
St. Johns, Newfoundland.

16th October, 1888.

Please send me list of *modus vivendi* licenses issued to date, and say what proportion of the total United States fishing vessels visiting Newfoundland took licenses.

CHAS. H. TUPPER,  
Minister of Marine and Fisheries.

## No. 21.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th November, 1888.

On a report dated 18th October, 1888, from the minister of marine and fisheries, stating in reference to the working of the license system during the past season, under the *modus vivendi* (so called) mentioned in the Treaty of Washington Act, 1888, that the privileges the licenses confer upon United States fishermen consist of:—

1. The right on the part of United States fishing vessels to purchase bait, ice, seines, lines and all other supplies and outfits at Canadian ports.
2. The right to tranship their catch and to ship crews.

The minister further states that although full and complete returns have not yet been received with regard to the result of the past season's fishing, he gathers from the interim reports of the officers in charge of the cruisers engaged in the protection of the fisheries of the Dominion, that the catch of mackerel has been confined chiefly to vessels and boats fishing with hook and line.

That in the case of vessels fitted out for seine fishing only, the season's catch has fallen far short of an average one.

The fishing within the three mile limit and especially what is termed the shore fishing, yielded fair returns throughout the season.

United States fishing vessels arrived in the Gulf early in the season, but in consequence of the fish not "schooling" to any extent, and being wild and hard to seine when "schooling," remained but a short time, and those coming from time to time during the season left the fishing grounds as quickly.

During the season, 34 United States fishing vessels, a list of which is appended hereto, aggregating 2,408 tons, and paying fees to the amount of \$3,612 applied for and obtained licenses under the *modus vivendi*.

The officers commanding our cruisers report that many masters of American vessels stated they were ready and willing to take out licenses as soon as the fish appeared in greater numbers, and doubtless had the season been an average one for seiners a much larger number of licenses would have been applied for. In one case it was reported to the minister of marine and fisheries that a master of a United States fishing vessel stated his desire to take out a license, but represented that for political reasons his owners would not permit him to do so.

The minister desires to mention that the privileges granted under the licences issued in Canada extend to Newfoundland waters, and licenses issued in Newfoundland apply also to Canadian waters.

The government of Newfoundland not having forwarded to Ottawa a list of licenses issued, no report can be made as to the working of the system in that colony. Canada has, however, from time to time, furnished Newfoundland with a list of the licenses issued by the department of fisheries; the licenses first issued by the department of fisheries were for a year from the date of issue. This being objected to by the government of Newfoundland, it was subsequently agreed that all licenses should terminate on the 31st December.



The minister further states, with reference to the number of visits to Canadian ports made by licensed United States fishing vessels and the special object of such visits during the past season, that it has been impossible to obtain complete information in consequence of the impression which appears to have prevailed among many of the masters, that the license exempted them from reporting at the customs houses, and that in some of the small ports frequented by these vessels the collector did not consider it necessary to exercise a strict supervision over them.

The minister, however, from data in his possession, is able to submit for his excellency's information, that of the bank fishing vessels, fifty-two American vessels visited the port of Canso, Nova Scotia, eighty-nine times, and eleven visited Shelbourne and the outports of Shelbourne, two hundred and nineteen times for different purposes under the license system during the season.

The minister is of opinion, in respect to the working of the license system, that the concessions granted to the United States fishermen under the *modus vivendi* have not interfered with the protection of our own fisheries, and that the relations between the officers in charge of the Canadian cruisers and those in command of the United States fishing vessels have been much more agreeable than heretofore.

The minister submits furthermore, that the licensing system appears to have removed the chief cause of complaint and irritation on the part of the United States fishermen, and although so far as the mackerel fishing is concerned the yield has not been favourable to American vessels during the season, the great privilege and benefit obtainable under the licensing system are none the less apparent, and would be appreciated to a much greater extent if the fishing season had been even moderately successful for seiners.

The committee concurring in the above report, recommend that your excellency be moved to forward a copy of this minute to the Governor of Newfoundland with an intimation that a report as to the working of the license system and as to the expediency of continuing the *modus vivendi* for another season, would be acceptable to the Canadian government.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,

Clerk of the Privy Council.

[Enclosure 1 in No. 21.]

List of United States Fishing Vessels to which Licenses were issued in 1888, under the *modus vivendi*.

Name of Vessel.	Port of Registry.	Tonnage.	Port of Issue.	Amount of Fee.
Bertha May.	Gloucester, Mass.	75	Port Hawkesbury.	\$ cts.
Louisa Polleys.	do	69	Yarmouth.	112 50
Annie C. Hall.	do	84	Canso.	103 50
Plymouth Rock.	do	92	do	126 00
Martha A. Bradley.	do	73	do	138 00
Willie M. Stevens.	do	76	do	100 50
Flora Dilloway.	do	77	do	114 00
Gladstone.	do	97	do	115 50
Laura Sayward.	do	64	Arichat, C.B.	145 50
Hattie B. West.	do	53	Yarmouth.	96 00
Alert.	do	87	do	79 50
Bessie M. Wells.	do	92	Port Hood	130 50
Gertie May.	Portland, Maine.	38	do	138 00
Octavia A. Dow.	Belfast, Maine.	81	Port Mulgrave.	145 50
Chester R. Lawrence.	Gloucester, Mass.	54	Yarmouth.	57 00
Bounding Billow.	do	76	Liverpool.	129 00
Henry L. Phillips.	do	35	Shelburne.	81 00
Addie Emma.	do	72	Yarmouth.	114 00
Maud M. Storey.	do	65	Barrington.	32 50
Nellie May.	Portland, Maine.	62	Liverpool.	108 00
John Somes.	do	88	Barrington.	97 50
Edward Trevo.	Gloucester, Mass.	82	Yarmouth.	93 00
Oreana.	do	84	Canso.	132 00
Grace L. Fears.	do	86	do	123 00
Lizzie J. Greenleaf.	do	81	do	126 00
A. T. Gofford.	do	44	do	132 00
Margaret.	do	83	do	121 50
Gracie C. Young.	Rockland, Maine.	42	Yarmouth.	66 00
Bertha M. Miller.	Gloucester, Mass.	56	do	124 50
Willie G.	Southport, Maine.	17	Shelburne.	63 00
Helen H. Powers.	Salem, Mass.	69	Halifax.	84 00
Cynsoure.	Booth Bay, Maine.	74	Yarmouth.	25 50
Cora Louise.	do	76	Barrington.	103 50
Sarah B. Putnam.	Salem and Beverly.		Arichat, C.B.	111 00
			Canso.	114 00
				3,612 00

DEPARTMENT OF FISHERIES,  
OTTAWA, 24th October, 1888.

## No. 22.

THE MORNING HERALD, SATURDAY, July 27th, 1889.

News by telegraph.

MODUS VIVENDI LICENSES.—NEWFOUNDLAND OFFICIALS WON'T RECOGNIZE THE DOCUMENTS ISSUED BY CANADA.

(Special despatch to the *Halifax Herald*.)

CANSO, July 26.—Captain Diggins of the schooner "Sarah B. Putnam," of Salem, arrived here this a.m. from Grand Banks with a very slim fare for over three months' fishing, attributing his failure in securing a full trip to the treatment he received from the Newfoundland customs officials in connection with the *modus vivendi* license obtained at this port on the 25th of July, 1888, good one year from date and so unexpired. Officer Carter of the Ferryland customs office refused to allow him to buy bait or ice thereunder, demanding the taking out of a Newfoundland license. On his

23c to 23A—24

refusal to do this till he communicated with his owners, permission was given for that baiting on the payment of twenty dollars in fees, but after he had his bait and ice in at a cost of \$100, the officer came with a telegram from the head official at St. John's demanding that he take out a license to cover the transaction; refusing to carry out the Dominion's part of the contract since the 31st of last December. This he refused to do and the officer threatened to seize his vessel. He had to go nine miles to get to a telegraph office and while waiting a reply from his owners the wind changed and he had to hurry away to get his vessel out of an exposed position and so left. In the meantime the detention caused the loss of his bait and ice and from the consul he received word in the banks that it would not be advisable for him to come again, as his vessel would be seized. This is one of many cases where the Newfoundland officials have not only ignored the rights guaranteed the United States vessels in the *modus vivendi* licenses issued under the seal of their own government, but have repudiated the privileges promised in these documents issued by the Dominion of Canada and because thereof fully twenty schooners refused to take licenses here when going to Newfoundland this season. This statement of the captain is verified by Alfred Shrider of this place, one of his crew.

### No. 23.

(Telegram.)

OTTAWA, 30th July, 1889.

Hon. M. FENELON,  
Colonial Secretary,  
St. Johns, Newfoundland.

Captain Diggins, United States fishing schooner "Putman," at Canso, reports that Customs Office Carter, Ferryland customs, refused to recognize *modus vivendi* license issued by Canada, dated in July of last year. Please ascertain facts from Officer Carter and send me. If any truth in representations, kindly give such instructions as will avoid a recurrence of difficulty.

CHARLES H. TUPPER,  
*Minister of Marine and Fisheries.*

This was answered on 2nd August, regretting action of collector in failing to recognize the validity of the license in question.

### No. 24.

THE ARLINGTON, WASHINGTON, 6th March, 1890.

C. EDWIN KAULBACH, ESQ., M.P., Lunenburg:—

MY DEAR MR. KAULBACH,—I fully appreciate what you say in yours of April 17th regarding the action of Newfoundland upon the bait question, and while no arrangements can yet be made, the government has left no stone unturned towards obtaining a re-adjustment of this subject satisfactory to our fishermen.

I am yours faithfully,

CHARLES H. TUPPER.

### No. 25.

Sir Terrence O'Brien to Lord Stanley of Preston.

GOVERNMENT HOUSE,

ST. JOHN'S, 15th April, 1890.

His Excellency The Right Honourable  
LORD STANLEY OF PRESTON.

MY LORD,—I have the honour to enclose for the information of your lordship's government the following documents: Proclamation of 3rd April; regulations for

enforcement of Bait Act; bond to be entered into by fishermen buying bait; license to buy bait; affidavit to be taken by foreign fishermen, referring to the manner in which the Newfoundland Bait Act will be enforced during the ensuing season.

I also enclose a copy of a letter from the colonial secretary from which your lordship will observe that Canadian licenses are no longer available for the purchase of bait in the ports of this colony.

I have, &c.,

T. O'BRIEN, Lt.-Col.

[Enclosure 1 in No. 23.]

*Colonial Secretary to Private Secretary.*

ST. JOHNS, 15th April, 1890.

CECIL FANE, Esq.

SIR,—I beg to acquaint you, for the information of his excellency the governor, that the executive council deem it desirable that the government of Canada should be informed as to the course which has been decided upon for the carrying out of the Bait Act of this colony during the ensuing fishing season, so that vessels arriving here from the Dominion may be prepared for the change which it has been found necessary to adopt in order to ensure that the intention of the legislature should be attained as far as possible.

The arrangement may be stated in brief as follows: "All foreign and British vessels not belonging to this colony, which require bait from our coasts for the prosecution of the cod fishery can only obtain it on taking out a license at an ordinary port of entry in the form herewith, and giving bond in a sum of \$1,000 that the bait shall be used *bona fide* for the purposes for which it is obtained. This license is issued on the payment of a fee of one dollar per ton, and entitles the holder to purchase bait for three weeks, but only to the extent of one barrel per ton register. Should fresh supplies of bait be required, after the expiration of three weeks the vessel must re-enter at a customs port and again take out a license on similar terms to the first, and so on through the fishing season. Light dues will of course be exacted as heretofore."

It will not be necessary to remind the Canadian government of the circumstances under which the Bait Act was passed, but in explanation of the procedure now adopted by this government, I may state that it was found impossible to so effectively carry out the law as to stop the French obtaining what they required, whilst United States vessels under the *modus vivendi*, and British ships, not of this colony, and over which we could exercise but scant control, were permitted to come to our shores and take full supplies, which in many cases found its way to St. Pierre.

Under these circumstances the government had no alternative but to put all outside vessels on the same footing, thus securing to the colony the advantages of a trade that others were engaged in at our expense, and limiting so far as practicable the destruction of our bait fishes.

I have, &c.,

R. BOND,

*Colonial Secretary.*

[Enclosure 2 in No. 25.]

## THE ROYAL GAZETTE.

EXTRAORDINARY.

*Published by Authority.*

ST. JOHNS, NEWFOUNDLAND, 3rd April, 1890.

## PROCLAMATION.

T. O'Brien, } By His Excellency Sir J. Terrence O'Brien, Knight Commander of the  
Lieut.-Col., } Most Distinguished Order of St. Michael and St. George, Governor  
Governor. } and Commander-in-Chief in and over the Island of Newfoundland  
and its dependencies.

To all to whom these presents shall come—greeting :

Whereas an act was passed in the fifty-second year of the reign of Her present Majesty, entitled : "An Act to Amend and Consolidate the Laws relating to the Exportation and Sale of Bait Fishes ;" and whereas it is provided by the twenty-fifth section of the said Act that the said Act "shall come into force at such date as shall be appointed by the Governor by his proclamation " :

And whereas, the said Act has been in its enactive portions passed in the words following :—

## I. No person shall—

- (1.) Export, or cause or procure to be exported, or assist in the exportation of ; or,
- (2.) Haul, catch, take or have in his possession for the purpose of exportation ; or,
- (3.) Purchase or receive in trade or barter, for the purpose of exportation ; or,
- (4.) Take, ship or put, or haul on board or assist in taking, shipping, putting or hauling on board of any ship or vessel for any purpose whatever ; or,
- (5.) Carry or convey on board of any ship or vessel, for any purpose whatever, any herring, caplin, squid, or other bait fishes, from, on, or near any parts of this colony or its dependencies, or from or in any of the bays, harbours or other places therein, without a license in writing, to be granted and issued as hereinafter provided.

## II. Licenses may be granted for any of the following purposes, viz. :—

- (a.) To export bait fishes to a foreign country for bait purposes.
- (b.) To export bait fishes to a foreign country for food or consumption.
- (c.) To export bait fishes for use for bait purposes in prosecuting deep sea fisheries.
- (d.) To haul, catch, or take bait fishes for exportation.
- (e.) To purchase bait fishes for exportation for food or consumption.
- (f.) To take, ship or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for food or consumption.
- (g.) To purchase bait fishes for exportation for bait purposes.
- (h.) To take ship or put on board a ship or vessel, or to convey on board a ship or vessel bait fishes for exportation for bait purposes.
- (i.) To take, ship or put on board a ship or vessel, or to carry or convey on board a ship or vessel coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this colony.

## III. No such licenses shall be issued except under the authority of the governor in council, and countersigned by the colonial secretary.

## IV. The governor in council may from time to time, by proclamation, suspend or limit the operation of this act, and the issue of licenses thereunder, in relation to any district or part of this colony, or the coasts thereof, and for such period and in relation to sale or exportation to such places or for such purposes and in such quantities as shall appear expedient and as shall be declared and defined in the proclamation.

## V. No license under this Act shall be granted to any person unless he shall have first made an affidavit before a sub-collector or a preventive officer of customs, or a stipendiary magistrate, setting forth the following particulars, viz : The name of the person to whom the license is to be granted, the name of the vessel on board of which

it is intended to convey or export bait fishes, the purposes for which such bait fishes are intended to be conveyed or exported, whether for food or consumption, or for bait purposes, the country to which it is intended to export the same, or the place where the fishery is to be prosecuted for which such bait fishes are to be used.

VI. Applications for licenses under this act shall be made to a stipendiary magistrate or a customs officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section five to be set forth in the license; and it shall be the duty of the said stipendiary magistrate or customs officer to report to the governor in council any refusal on the part of the applicant to make such affidavit, or any *bona fide* doubt on the part of such stipendiary magistrate or customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such license is applied for the purpose of evading or defeating, or assisting in evading or defeating the provisions of this act. In such case it shall be the duty of such stipendiary magistrate or other officer to withhold such license and await further instructions.

VII. In every case in which a license is granted under this act, the person to whom the same is granted shall also give bond to the receiver general of this colony, with two sufficient securities in the sum of not less than one thousand dollars or more than two thousand dollars each, containing the condition that the terms of the license shall in all respects be complied with; and in the case of a license to export to a foreign country, that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture or punishment which may be imposed for the same offence under this act.

VIII. The forms of the licenses, affidavits and bonds, above provided, shall be prescribed by the governor in council.

IX. Any person who shall violate any of the provisions of section one of this act, or any of the sub-sections thereof; or,

(1.) Use, dispose of, or deal with, any bait fishes otherwise than in accordance with the terms of the affidavit made upon application for a license, or with the terms of such license; or,

(2.) Make any untrue statement in any affidavit upon application for license under this Act; or,

(3.) Obtain a license under this act by means of any false statement or misrepresentation, or by the suppression, or concealment of any material fact, shall be liable for every first offence to a penalty not exceeding one thousand dollars, or imprisonment for a period not exceeding twelve months.

(4.) Any person convicted of a second or subsequent offence under this act shall, on conviction, be subject to imprisonment, with hard labour, for a period of not less than twelve months.

X. In addition to the punishment prescribed by the foregoing section, the convicting magistrate may order the confiscation and sale of the herring, caplin, squid, or other bait fishes, which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this act, or the terms of any license thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed or exported, and the forfeiture of any license held by the offender.

XI. Any person who shall sell any herring, caplin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a license under this act, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding three months.

XII. In any prosecution under the next preceding section, the onus of proof that the bait fishes were not intended for shipment or exportation, shall rest upon the party accused: Provided there be proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

XIII. The governor in council may from time to time appoint special commissioners for the purpose of enforcing the provisions of this act.

XIV. Any such commissioner or any justice of the peace, sub-collector, preventive officer, fishery warden, or constable, may board and examine and search any boat or vessel suspected of having on board, or of conveying or exporting bait fishes contrary to the provisions of this act or of any license granted thereunder: and in case any such commissioner, justice of the peace, sub-collector, preventive officer, fishery warden, constable, or the crew of any vessel employed by the government, shall make a signal by hoisting the international signal, "B. M. I.," meaning 'heave to, I will send a boat', and firing a gun, or by dipping at the main peak three times the flag, with the badge of the colony, as prescribed by the colonial regulations, it shall be the duty of the owner, master or person managing or controlling such vessel to heave to until such commissioner, justice, sub-collector, fishery warden, or constable shall have boarded and examined such last named vessel: and in case of such owner, master, or person managing or controlling such last named vessel, omitting to heave her to, or obstructing or omitting to afford facilities for such commissioner, justice, sub-collector, preventive officer, fishery warden or constable, in boarding and examining such vessel, he shall be subject to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a stipendiary magistrate, and his vessel may be seized and held by any such commissioner, justice, sub-collector, preventive officer, fishery warden or constable, until an adjudication shall have taken place upon a complaint under this section.

XV. Any person found hauling, catching, taking, purchasing, selling, shipping or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a justice of the peace, sub-collector or preventive officer, fishery warden or commissioner, appointed under this act, as to the quantity and kind of bait fishes in his possession, or on board of such boat or vessel, the purpose for which such bait fishes are intended to be used, or as to the place to which the same are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, or failing to produce a license under this act, or having such license, being found to have violated or failed to comply with the provisions thereof, such justice, sub-collector, preventive officer, fishery warden or commissioner may seize the boat or vessel on board of which such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed or exported, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offence.

XVI. In any such case as mentioned in the next preceding section, any officer therein authorized to seize any boat or vessel, and any constable or peace officer then present, shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

XVII. In any prosecution under this act, the fact of shipping, putting or having bait fishes on board of any boat or vessel, shall be *prima facie* evidence of the same having been so shipped, put, had or conveyed, for the purpose of exportation, and the refusal or failure to produce a license upon being called upon so to do, shall be *prima facie* evidence of such bait fishes having been shipped, put, conveyed or exported without a license: and any exportation or intended exportation of bait fishes shall, in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

XVIII. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered, and made in a summary manner before a stipendiary magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay



a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution shall, on the certificate of the magistrate who heard the case, be paid to the prosecutor by the receiver general.

XIX. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's supreme court holden in or nearest to the place where such conviction shall have been had: provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate, in writing, within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into cognizance with two approved sureties before the convicting magistrate, conditioned for the appearance of the person convicted at such next sitting of the supreme court on the first day of such sitting for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court shall award. Any person who shall be convicted and imprisoned by any such magistrate for an offence against this act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party, on the first day of such next sitting of the supreme court, to the sheriff of the district in which such appeal may be heard.

XX. No proceeding or conviction by, or order of any justice or other officer under this act, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this act.

XXI. In this act the word "vessel" shall include any boat or vessel registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

XXII. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any state in amity with Her Majesty.

XXIII. For the purposes of this act, all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony. All officers engaged in carrying out this act, and the masters and crews of all vessels engaged in the said service, may severally be sworn as special constables, and shall, while engaged in carrying out this act, have all the powers, authority and protection of police constables.

XXIV. The act passed in the fiftieth year of the reign of Her present Majesty, entitled "An act to regulate the exportation and sale of herring, caplin, squid and other bait fishes," and the act passed in the fifty-first year of the said reign, chapter nine, entitled "An act to amend an act passed in the fiftieth year of the reign of Her present Majesty, entitled 'An act to regulate the exportation and sale of herring, caplin, squid and other bait fishes,'" are hereby repealed, provided that this repeal shall not be held to affect any penalty, forfeiture or liability incurred under the said act, or any proceeding for enforcing the same, had, done, completed or pending at the time of this appeal, or any office, appointment or authority or duty created, conferred or imposed, or any right or privilege acquired or existing, or any license granted under the authority of the said acts, and provided further, that every person holding a license under either of said acts shall, as soon as practicable after the passing of this act, surrender the same to the nearest magistrate or customs officer authorized to issue licenses under this act, who shall thereupon grant in lieu thereof a license under the provisions of this act for such purpose as the same shall be required, and any license issued under the authority of said acts not so surrendered as soon as practicable, within a reasonable period, shall be held to have been terminated and to be of no further effect.

XXV. This act shall come into force at such date as shall be appointed by the governor by his proclamation.

And whereas it is expedient to notify a day upon which the said act shall come into operation,

Now, therefore, I, the governor, do issue this my proclamation, giving notice to all Her Majesty's liege subjects, and to all to whom the said recited act may concern, that on and after the eighth day of April instant the said act shall come into operation.

Given under my hand and the great seal of the said Island, at Government House, in St. Johns, this second day of April, A. D. 1890.

By His Excellency's command,

R. BOND,

*Colonial Secretary.*

[Enclosure 3 in No. 25.]

COLONIAL SECRETARY'S OFFICE,

ST. JOHNS, 9th April, 1890.

SIR,—On the other side you will find memorandum of instruction relative to carrying out of the provisions of the act of 1889, for the regulation and exportation, etc., of bait fishes, which you are requested to carefully peruse and to strictly enforce. I send herewith a supply of blank forms to be used in connection with this service.

I have the honour to be, sir,

Your obedient servant.

[Enclosure 4 in No. 25.]

INSTRUCTIONS for Magistrates, Customs Officers, &c., in relation to enforcement of "Bait Act," 1889.

Under proclamation of the governor no exportation or sale or purchase or taking of bait fishes, of any sort, is to be permitted without a license.

Licenses of three sorts will be granted: One, free of charge, to vessels belonging to Newfoundland prosecuting the deep sea fishery; one to Newfoundland punt fishermen, free of charge, to catch bait for sale to foreign vessels or otherwise: and one for foreign vessels, to purchase bait.

In all cases of applications for licenses (except Newfoundland punt fishermen who catch for sale to foreign vessels) the party applying must make an affidavit setting forth all the particulars required to be stated in the license. [See Bait Act, 1889.] This affidavit may be made either by the master of the vessel for which the license is applied for, or by the owner, or agent of the owner, or on behalf of the master. Blank forms of these affidavits, of each sort, are furnished. The affidavits may be made before a magistrate or a customs officer.

You will notice that the licenses have been signed by the colonial secretary and they must be also signed by the person issuing the license, either a customs officer or magistrate.

A license fee of one dollar per ton is to be paid by vessels of all nations (French, American and Canadian) entering the harbours of this colony in quest of bait fishes.

All such foreign vessels shall be restricted to one barrel of bait per ton, and shall be compelled to take out a new license and pay such license fee as aforesaid upon each entry into any port of this colony, besides the ordinary light dues.

A second license shall not be granted within three weeks from the date of the first license.

Upon granting a license to a foreign vessel you shall notify the customs officers at all the other ports of entry named herein, by telegram or letter, that you granted such license, stating date of issue so as to prevent such vessel from obtaining a second license within the period stated above.

In the case of a foreign vessel taking bait at your port, you will employ officers to see that only the quantity named in license is taken aboard.

*Ports of Entry.*

LaManche and Oderin.....	Richard McGrath.
St. Mary's.....	J. Harney.
Burin.....	John Winter.
Placentia.....	W. G. Bradshaw.
Lamaline.....	C. Pittman.
Little Placentia.....	T. Freeman.
English Harbour.....	Charles Clinton.
Presque.....	Patrick Sullivan.
Harbour Briton.....	Philip Hubert.
Harbour Buffett.....	Wm. Hann.
Gaultois.....	Richard Bradshaw.
St. Lawrence.....	M. Vavasseur.
Pushthrough.....	Henry Camp.
Fortune.....	J. Haddon.
La Poile.....	Francis A. Read.
Grand Bank.....	G. Simms.
Channel.....	Francis Mourant.
Burgeo.....	J. C. Cunningham.
Trepassey.....	A. Simms.
Rose Blanche.....	R. Furneaux.
Salmonier.....	John Dakins.
Codroy.....	J. Gillis.
Black River.....	A. Blackader.

[Enclosure 5 in No. 25.]

Know all men by these presents that we (*b*) (Here insert the names and additions of the person licensed, and the two securities) are held and firmly bound to the Honourable Richard O'Dwyer, Receiver General of the Island of Newfoundland, severally in the sum of one thousand dollars each, to be paid to the said Richard O'Dwyer, his executors and administrators, for which payment to be well and truly made, we severally bind ourselves and each of us, our and each of our executors and administrators firmly by these presents.

Dated this                      day of

A.D., 1890.

The condition of this obligation is such that if the said (*a*) (Here insert the name of the person to whom license is granted) shall in all respects, comply with the terms of the license number                      , granted to him, dated the                      day of                      , A.D., 1890, and in all respects conform to the provisions of Act 52 Victoria, entitled "An Act to amend and consolidate the laws relating to the exportation and sale of bait fishes": then this obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered }  
in presence of. }

[Enclosure 6 in No. 25.]

No. 1995.

*License to fishing vessels to purchase bait fishes.*

(*a*) (Name of master) of the fishing vessel (*b*) (name of vessel and tonnage) tons register of (*c*) (name of port of registry of vessel) having paid to the undersigned (*d*) ('customs officer or 'stipendiary magistrate' as the case may be) at the port of (*e*) (name of port where the license is granted) the sum of (*f*) (number of dollars corresponding to number of tons of vessel) dollars, the privilege is hereby granted to said vessel to

enter the bays and harbours of Newfoundland for the purchase of (g) same number as tonnage of vessel) barrels of bait fishes and such quantity of ice, lines and other supplies as may be required.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1890.  
 Customs officer or magis- )  
 trate at the port of )

*Colonial Secretary.*

N.B.—This license is to be delivered to the customs officer, constable or officer engaged in the bait protection service. Upon the receipt of the said \_\_\_\_\_ barrels of bait fishes on board the said vessel, such officer shall mark 'cancelled' upon it, and the date of the receipt of said bait fishes.

[Enclosure 7 in No. 25.]

*Affidavit to be made by foreign fishermen.*

Newfoundland )  
 to wit. )

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and  
 say that I am desirous of obtaining a license to purchase bait, to be used on board my  
 vessel in prosecuting the bank fishery, during the present season.  
 Sworn before me at \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 A.D. 1890. }

No. 26.

LUNenburg, N.S., 17th April, 1890.

HON. CHARLES H. TUPPER,  
 Minister of Marine and Fisheries,  
 Ottawa.

MY DEAR MR. TUPPER,—I am sorry to inform you that our deep sea fishermen are in a great state of excitement on account of the restrictions recently placed on our vessels by the Newfoundland authorities, when visiting those shores for bait. Their intentions in this respect had been previously rumoured, but no one imagined that they would be carried out.

To obtain what might be considered reliable information, a telegram was yesterday sent to Messrs. Duff and Balmer, of Carbonear, Nfld., the former of whom is an M.P. for that district, which message was as follows:—"Name license fee, if any, Canadian vessels calling at Newfoundland for bait," and the following answer was received: "One dollar per ton every time enter port. Bait limited, one barrel per registered ton, can obtain license at port of entry."

DUFF & BALMER.

Our men are in terrible straits to know what to do under these circumstances, as their bait for the Grand Banks or summer trip is almost wholly obtained on the south side of Newfoundland, and the payment of the above fee five or six times a summer would be simply ruinous. A deputation of fishing masters waited upon me last evening, and requested me to communicate with the federal government, and bring the matter to their notice, with the view that a fairer and more lenient set of regulations may be obtained in respect to Canadian vessels.

It cannot be presumed that the government of Newfoundland have exceeded their jurisdiction under the former treaties in thus legislating against the interests of Canadian fishermen, but why should a commission representing Britain, Canada, Newfound-

land and the United States, be required to formulate and establish a *modus vivendi*, fixing a license fee for United States vessels in British waters, and *vice versa* if either colony is able to legislate in the same direction against the other?

We have at present in our harbour of Lunenburg about eighty sail of fishing vessels, which, I am proud to say, are as fine in point of construction and equipment as any in the world, and whose crews number upwards of a thousand men. These craft as they are now fitted and ready to start on their summer work, would average in value at least \$6,000 each, and to meet with this embargo on previous privileges would mean certain and most serious loss in every instance. They tonnage on the average eighty to 100 tons, and visit Newfoundland three to five times in a season, which means from \$250 to \$500 each vessel, or say \$20,000 to \$40,000 in the aggregate on our fleet alone.

The Grand Banks have been the summer resort of our fishermen for many years, and from the various bays on the south side of Newfoundland, their supply of bait has been drawn, these being much less in distance, and a greater certainty of bait than in Canadian waters.

Newfoundland being a British colony, it appears to me that her action is harsh, if not absolutely wrong, in thus discriminating against a sister colony, in a matter which I conceive comes solely within the prerogative and power of the home government. We have hitherto enjoyed the privilege of obtaining bait in Newfoundland to the fullest extent, paying only such internal fees and taxes as were proper, such as light dues, harbour dues, water rate and pilotage. The result of the action of the Newfoundland government, as shown by the above figures, will be most disastrous, and one season alone will prove its dire effect on the fishing fleet of Nova Scotia, and the shipyards now also so busy and prosperous.

In behalf of our fishermen, I appeal to you, sir, in order that this matter may receive the immediate consideration of the government of Canada, and if necessary be brought before the commission at Washington, or the imperial government, and that such action may be taken for the restoration of our former privileges, and the amelioration of the present condition of things as may be possible under the circumstances.

Personally, I feel the great importance of this matter; so much so, in fact, that I am willing to sacrifice almost anything, rather than have this state of things continue.

I have the honour to be, sir,

Your obedient servant,

C. EDWIN KAULBACH.

## No. 27.

HOUSE OF COMMONS, OTTAWA, 22nd April, 1890.

DEAR SIR JOHN,—You will have seen and heard of the action of the Newfoundland government in imposing on all American, French and Canadian vessels entering Newfoundland ports for bait a tax of \$1 per ton.

A restriction is also imposed preventing the purchase of more than one barrel of bait per register ton—This latter I do not consider seriously objectionable. But as we have hitherto endeavoured to work in harmony with the Newfoundland government and have a common interest in restraining the aggression of American and more especially of French fishermen, we have to claim a common protection from the imperial government to prevent interference with our rights.

Under all the circumstances I trust you will see your way to advising such action as will lead the Newfoundland Government to reconsider their decision as far as Canadian fishing vessels are concerned.

Mr. A. J. Wolff, the mayor of Lunenburg, and I believe president of the Fishermen's Union, writes to me on behalf of that body. I enclose his letter and add to his request a most earnest recommendation that some steps may be promptly taken to avert a serious injury to an industry of vital importance to our people.

Faithfully yours,

J. WIMBURN LAURIE.

[Enclosure 1 in No. 27.]

Genl. LAURIE, M.P.,  
House of Commons, Ottawa.

LUNenburg, N.S., 17th April, 1890.

DEAR SIR,—I take the liberty of writing on a matter concerning Nova Scotia in general and our deep sea fishermen in particular.

The Newfoundland government passed a bait law this winter compelling American, French and Canadian vessels entering their ports for bait to pay a license fee of one dollar per register ton each time they so enter—in addition, vessels are limited to purchase not more than one barrel per register ton. Whilst the latter would not be considered a restriction to our bankers, the former is however tantamount to expel our vessels from the Newfoundland ports and thus render the grand banks valueless to our deep sea fleet. Our fishermen are alarmed at the action thus taken by that government and, without any warning, inevitable ruin marks the probable result in the near future of our larger portion of fine new vessels specially fitted for Grand Bank fishing—unless the action was stayed by the federal and imperial governments. With this in view I am approaching you in behalf of our fisherman, to take such steps as in your opinion will bring about a more favourable aspect than now indicated by the measure in question. I am writing this on the information received by telegram from Messrs Duff & Bulmer, Carbonnear, Newfoundland, and our men feel discouraged, nay, sore, on this point. I need not remind you of the value Newfoundland waters afford us—neither of the fact that bait on our shores is procured only in the spring, consequently by this Bait Bill our season would end in June—when the bait leaves our shore and its purchase at Newfoundland would not warrant the risk of small returns.

Any action on your part taken in this matter will be appreciated by all interested.  
I am yours respectfully,

A. J. WOLFF.

P.S.—I notice the Newfoundland government appointed delegates for Great Britain and Canada on fishery matters. Perhaps this may aid you in advocating our claim.

A. J. W.

### No. 28.

*Copy of a telegram to the Honourable Colonial Secretary.*

ST. JOHNS, NEWFOUNDLAND, 23rd April, 1890.

Information has reached me that by recent legislation Canadian fishing vessels entering your ports for bait are subject to a duty of one dollar per ton for each entrance and restricted to a purchase of one barrel bait per registered ton. Please wire if correct and kindly send me a copy of bill.

C. H. TUPPER.

### No. 29.

*Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 24th April, 1890.*

On a memorandum dated 17th April, 1890, from the minister of marine and fisheries, submitting the following telegram for the information of council:—

“ST. JOHNS, NEWFOUNDLAND, 24th April.

“The Bait Act passed by legislature last session has been brought into force by governor's proclamation. All vessels entering our ports for bait are subject to pay a license fee of one dollar per ton for each entrance, and are restricted to one barrel bait per registered ton. Will mail copy of bill.

“COLONIAL SECRETARY.”

The committee recommend that your excellency be moved to telegraph to the right honourable the secretary of state for the colonies, intimating the desire of your excellency's government to present a remonstrance to Her Majesty's government on the restrictions which will be placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland legislation referred to.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
Clerk, Privy Council.

### No. 30.

COLONIAL SECRETARY'S OFFICE,

ST. JOHNS, NEWFOUNDLAND, 24th April, 1890.

To the Hon. CHARLES H. TUPPER.

SIR,—I have the honour to transmit to you, in compliance with the request contained in your telegram of yesterday's date, a copy of the Bait Act, 1889, which was brought into force on the 8th instant by his excellency the governor's proclamation. (Copy enclosed.)

I have the honour to be, sir,

Your most obedient servant,

R. BOND, C. S.

NOTE.—The Bait Act referred to in this letter will be found among the enclosures in Order in Council, 21st November, 1892, submitting case.

### No. 31.

Lord Knutsford to Lord Stanley of Preston.

[Telegram.]

8th May, 1890.

I have received Newfoundland proclamation of Bait Act. I do not perceive that it is *ultra vires*. Your ministers have no doubt made representations to Newfoundland direct.

Secretary of State for the Colonies.

### No. 32.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 29th May, 1890.

The committee of the privy council have had under consideration a despatch dated 15th April, 1890, from the Governor of Newfoundland, on the subject of the enforcement of the Newfoundland Bait Act against Canadian fishermen, and a telegram of the 8th May, 1890, from Lord Knutsford in connection therewith.

The committee concurring in the annexed report of the minister of marine and fisheries, to whom the matter was referred, advise that your excellency be moved to forward a copy hereof to the Governor of Newfoundland, and to the right honourable the secretary of state for the colonies. The committee further advise that a copy hereof be also forwarded to the High Commissioner for Canada, in London, with a view to his presenting in person the Canadian side of the case.

All which is respectfully submitted for approval.

JOHN J. MCGEE,  
Clerk, Privy Council.



[Enclosure 1 in No. 32.]

DEPARTMENT OF FISHERIES, CANADA,  
OTTAWA, 26th May, 1890.To His Excellency  
The Governor General in Council.

The undersigned, adverting to the despatch of Sir Terrence O'Brien, to your excellency, dated 15th April, 1890, and to the cable message of 8th May, from Lord Knutsford, has to observe that, in the year 1886, an act was passed by the legislature of Newfoundland, entitled an "Act to regulate the exportation and sale of herring, caplin, squid and other bait fishes." This act was in February, 1887, disallowed by the imperial authorities.

On the 21st February, 1887, the legislature again passed an act entitled "An act to regulate the exportation and sale of herring, caplin, squid, and other bait fishes."

Upon the 6th April, 1887, a minute of council was approved by his excellency Lord Lansdowne, in which various objections on the part of Canada to this legislation were mentioned. In this minute it was shown that under the act,

1. Our fishermen upon the Grand Banks would be cut off from their free supply of bait, either by purchase or catch;
2. Our fishermen upon the coast of Labrador would be debarred from the privilege of free catch of herring, and their hitherto untrammelled trading in herring.
3. Whatever trade was then done by Canadian vessels in herring or bait fishes upon the Newfoundland coast would be no longer left free.

The minister of justice, to whom the report of the minister of marine and fisheries, upon which the said minute was based, was referred, concurred in the views therein expressed and submitted the following observations.

"It seems desirable that the attention of Her Majesty's government should be called to some of the very unusual provisions of this bill. The prohibition in reference to purchasing bait extends to all places on or near any part of the colony of Newfoundland and its dependencies. This really gives no limit to the extent of the enactment, capable of being defined and, inasmuch as a violation of the provision of the bill is to be followed by very heavy penalties, he, the minister of justice, thinks that such an enactment would be embarrassing and oppressive in its operation.

"The bill gives extraordinary jurisdiction to stipendiary magistrates. The most stringent acts against fishing by foreign vessels in other parts of North America have given such jurisdiction only to the vice-admiralty courts. The stipendiary magistrates' courts are inferior tribunals, without any regular legal procedure and presided over by persons who are not necessarily possessed of legal qualifications.

"The bill contains extraordinary inducements to persons to take up the task of prosecution. On conviction, half of the fine goes to the prosecutor, and, on acquittal, the prosecutor is still to be rewarded, so that encouragement is given to those who would be disposed to harass and annoy vessels from other parts of British North America by prosecutions which cannot be sustained.

"It is to be observed that the appeal, which is to be given from a stipendiary magistrate's decision, is of little advantage, as the fishing season would probably be past and a captured vessel be rendered comparatively useless before the termination of the appeal."

A remonstrance against the royal assent being given to the act was accordingly forwarded by telegraph and dispatch to Her Majesty's principal secretary of state for the colonies.

This dispatch was referred by Her Majesty's government to Sir R. Thorburn and Sir A. Shea, who had been delegated by the house of assembly of Newfoundland to make representations to Her Majesty's government on the subject of this bill. Appended to this report are copies of their replies.

The assurance contained therein that Canadian fishermen would enjoy equal privileges with those of Newfoundland and that there would be no restrictions on the bait supply of any British subjects, were deemed by Her Majesty's government to offer, in the language of Sir Henry Holland, Secretary of State for the Colonies "sufficient safeguards for Canadian interests" and consequently Sir Henry Holland went on to say in his despatch to Lord Lansdowne "Her Majesty's government did not therefore hesitate to advise Her Majesty's assent to it."

Accordingly the following minute of council was, on the 11th October, 1887, approved by his excellency Lord Lansdowne.

"The committee of the privy council have had under consideration a despatch dated 20th May, 1887, (secret) from Sir Henry Holland enclosing copies of correspondence which had passed between the colonial office and representatives of the government of Newfoundland, then in London, regarding the Newfoundland Bait Bill.

"The minister of marine and fisheries to whom the papers were referred reports as follows: It appears from the correspondence that a copy of the minute of council dated 11th April, 1887, urging the objection taken by the Canadian government to the Bait Bill becoming law, was submitted to Sir R. Thorburn and Sir Ambrose Shea for their consideration. The replies made thereto by these gentlemen conveyed ample assurances that the government of Newfoundland in the passage of this bill were not actuated by any desire to curtail the privileges of British fishermen and had no intention of allowing the law to be operated to their prejudice; that no regulations were proposed which would unnecessarily hamper the operations of their own and British fishermen and that every facility would be afforded for procuring the licenses under the act.

"Sir R. Thorburn also authorized the despatch of a telegram by the attorney general of Newfoundland to the Canadian government, conveying the assurance that Canadian fishermen would enjoy equal privileges with those of Newfoundland, and that there would be practically no restriction on the bait supply of any British subjects.

"These assurances appeared to Her Majesty's government to offer such sufficient safeguards for Canadian interests that Her Majesty was at once advised to assent to the bill.

"The committee, concurring in the report of the minister of marine and fisheries, respectfully recommend that your excellency be moved to transmit a copy of the despatch above mentioned and enclosures (permission having been obtained from the colonial secretary) to his excellency the governor of Newfoundland for the consideration of his ministers and with a request that they will indicate at the earliest convenient period the regulations under which it is proposed that Canadian subjects shall enjoy the right of fishing and procuring bait in the territorial waters of Newfoundland.

"The committee further recommend that your excellency be also moved to transmit a copy of this minute to his excellency the governor of Newfoundland."

It is to be further observed that Sir G. William DesVœux, Governor of Newfoundland, in his despatch of 14th January, 1887, addressed to the right honourable Her Majesty's principal secretary of state for the colonies, when urging the allowance of this bill, argued entirely upon the grounds that it was aimed solely against foreign fishermen, and Sir G. William DesVœux in this despatch stated:—

I may mention that every day's delay is causing loss to this colony, in restricting preparations for next season's fishing. The allowance of this bill would be at once followed by a large increase in the number of British vessels employed in the Bank fishing; and even now it is too late, in some cases, for arrangements that would enable advantage to be taken of the earliest portion of the season.

Moreover, it is only fair to the French that if they are to be prohibited from procuring bait here during the coming season, they should be made aware of the fact at once, in order that they may restrict their operations accordingly, it being probable that as regards the large number of vessels which annually leave France for these fishing grounds, preparations are being made already for their despatch, in order to enable them to obtain bait and commence fishing at the beginning of April; and thus not

merely in the interest of this colony and Canada but for the sake of international comity, I would respectfully urge that in the absence of a fixed decision against this measure the delay which has already taken place in respect of its allowance should not be further prolonged.

Upon the 20th April, 1887, the minister of marine and fisheries received, at Ottawa, the following telegram from the government of Newfoundland:—"We learn with surprise and regret your government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized to give you fullest assurance no interference or hindrance whatever of Canadian fishermen contemplated; act necessarily framed so as to confer upon governor discretionary powers in granting licenses to sell or export bait; our only object being to prevent supply to foreign subsidized rivals. Fullest rights and privileges of all British fishermen to take or purchase for their own use as hitherto enjoyed will be maintained. Please communicate this information to your representative or agents in London to remove objection to our act and promote royal assent."

#### ATTORNEY GENERAL.

In June, 1889, the legislature of Newfoundland passed "An act to amend and consolidate the laws relating to the exportation and sale of bait fishes." This act, June, 1889, was proclaimed by His Excellency Sir Terrence O'Brien, Governor of Newfoundland, 3rd April, 1890.

By the provision of this act, as stated by the colonial secretary of Newfoundland to Cecil Fane, Esquire, under date 15th April, 1890: "All foreign and British vessels not belonging to this colony which required bait from our coasts for the prosecution of the cod fishery, can only obtain it by taking out a license at an ordinary port of entry in the form herewith, and giving bond in the sum of one thousand dollars that the bait shall be used *bona fide* for the purpose for which it is obtained.

"This license is issued on payment of a fee of one dollar per ton, and entitles the holder to purchase the bait for three weeks, but only to the extent of one barrel per ton register. Should fresh supplies of bait be required after the expiration of three weeks, the vessel must re-enter at a customs port and again take out a license on similar terms to the first, and so on through the fishing season. Light dues will, of course, be exacted as heretofore."

Loud complaints have reached the undersigned from Canadians interested in bank fishing against this legislation which threatens most serious injury to a large and important portion of Canadian industry. It is represented by those engaged in the cod fishery from Nova Scotia that the effect of this heavy tax will be to destroy the bank fishing of that province.

The returns for the last year show that of Canadian vessels engaged in the bank fishery there were not less than 203 with a tonnage of 18,124. The total catch amounted to 35,821,871 pounds of fish.

Accordingly, on the 24th of April, your excellency was pleased to approve a minute in council recommending that a telegram be sent to the right honourable the secretary of state for the colonies expressing the desire of your excellency's government that a remonstrance should be made to Her Majesty's government on the restrictions placed on British ships owned or sailed by Her Majesty's subjects in Canada under the Newfoundland legislation referred to.

From the telegram of the 8th May, from the right honourable the secretary of state for the colonies to your excellency, it appears that Lord Knutsford does not consider the Bait Act *ultra vires*, and his lordship supposes representations have been made direct to Newfoundland. The undersigned has not discussed the authority of the legislature of Newfoundland to enact the legislation complained of, but he desires to call attention to the solemn assurance given by the government of Newfoundland of the definite and positive character already referred to, to the effect that it was not intended to enforce this act against Canadian and British vessels and that it would not be so enforced.

It is therefore with surprise that the undersigned now learns that the provisions of the act are being enforced against Canadian and British vessels as well as against those of foreign countries, and he trusts that, when the attention of the present administration of the government of Newfoundland is called to the agreement of its predecessors in office, that in accordance with that understanding the provisions of the act will no longer be enforced against British or Canadian vessels.

It may not be out of place to refer to the friendly co-operation which has hitherto existed between the government of Canada and Newfoundland in connection with their respective fishery and commercial interests.

Fishing vessels of Newfoundland are now and have always been permitted to enjoy the inshore fisheries and port privileges of Canada in common with those of Canada, and while light dues, harbour dues and pilotage dues are exacted by the government of Newfoundland from Canadian fishing craft, there are no corresponding taxes paid by the vessels of Newfoundland to the Dominion of Canada.

Canada at present maintains free of all charges upon shipping, five lights and four fog signals on the coast of Newfoundland, and by liberal subventions serves many ports in Newfoundland by a mail and freight packet.

The bank fishery is now in an advanced stage, and the undersigned has the honour to recommend that the government of Newfoundland be directly advised that the Canadian government confidently expect that on a reconsideration of the facts connected with this legislation, and of the relations hitherto existing between the Dominion of Canada and that colony, the administration of the Newfoundland government will be pleased to suspend the operations of the act so far as it affects Canadian and British vessels.

The undersigned further recommends that the right honourable the secretary of state for the colonies be informed that your excellency's advisers earnestly desire the immediate co-operation of Her Majesty's government in preventing serious loss and damage being inflicted upon so many of Her Majesty's subjects as are interested in the important industry of the bank fishery.

Respectfully submitted,

CHARLES H. TUPPER,  
*Minister of Marine and Fisheries.*

[Enclosure 2 in No. 32.]

*Sir A. Shea, K.C.M.G., to Colonial Office.*

4 PRINCESS STREET, HANOVER SQUARE,  
27th April, 1887.

HON. SIR R. C. A. HERBERT, K.C.B.

SIR,—I have the honour to acknowledge receipt of your letter of this date enclosing copy of despatch from the Governor General and minute of council of Dominion government, objecting to the confirmation of the Newfoundland Bait Act by Her Majesty's government.

This act was passed to protect the bait fisheries on the Newfoundland coast against their use by foreigners whose bounty assisted operations have been disastrous to British interests. The measure embraces the rights of all British fishermen, and regards them in the same light in every respect. Canadian fishermen, in common with our own, are seriously affected by the bounty-assisted rivalry of foreigners, and must in a corresponding degree be benefitted by our conservative legislation.

The working clauses of the act are such as local knowledge only could have wisely devised for its effective execution, and I may observe that they were adopted mainly by regard to their application to the limited number of our own people by whom it was thought the chief efforts might be made to infringe on its provisions.

Such an enactment was necessarily framed in general terms to avoid the declaration of its specific bearing on foreigners, which, on international grounds, might have

raised difficulties to its acceptance by Her Majesty's government. But I feel the Dominion government has no real ground for its opposition, from which it will at once recede when authorized assurances are given that in carrying out the law no supposed ambiguity in its terms will be allowed to operate to the prejudice of Canadian fishermen, with whom we have common rights on the coasts of the Dominion.

It must, I submit, be manifest that the course taken by the Dominion government has arisen from a complete misapprehension of the views and purposes of the Newfoundland legislature, and while I regret if they could be justified in their conclusion of such unfriendly legislation, I feel Her Majesty's government will be satisfied that such impressions are unfounded, and moreover, are fully explained away by our statement of the aims of the act and its assured uniform application to all British subjects.

I do not think it necessary to consider the objections in detail, but I would observe that the objection taken to the "immediate neighbourhood" to be included for the purposes of the law, is answered by the fact that the law cannot operate outside the jurisdiction of the government of Newfoundland, and that the term "immediate neighbourhood" must be construed as being within this jurisdiction.

I have, &c.,

A. SHEA.

[Enclosure 3 in No. 32.]

*Sir R. Thorburn, K.C.M.G., to Colonial Office.*

4 PRINCESS STREET, HANOVER SQUARE,  
27th April, 1887.

Sir ROBT. G. W. HERBERT, &c., &c.

SIR,—I beg to acknowledge receipt of your communication of to-day's date covering copy of a despatch from the government of the Dominion of Canada, of date 12th April, embodying a minute of the privy council, setting forth certain objections to the Newfoundland Bait Act, and asking Her Majesty's government to delay giving assent to that measure until an opportunity had been afforded the government of Canada of expressing an opinion on its assumed interpretation of the act.

I feel constrained to say that such opinion is at entire variance with the spirit and intention of the act, and feeling certain that such is the case I waive consideration of the question of how far the government of Canada, or indeed that of any other government, save that of Her Majesty, has any right to interfere in a question which involves the right of the legislature of Newfoundland to make such laws as it may deem proper for the regulation of its own internal affairs and the conservation of its property, rights which are not affected by treaty obligations, nor in their operation under the proposed act interfering differentially with the privileges of any portion of Her Majesty's subjects.

I append copies of cable despatches already sent to our own provincial government and that of the Dominion, which I venture to say very clearly define the intention and scope of the proposed legislation, and I reiterate the assertion that by no manner of construction, implied or otherwise, can the act be construed to affect in a differential manner the fishermen of any British possession, but it will, I submit, be readily conceded that the colony of Newfoundland has a perfect right to enact such local regulations as may be deemed necessary for the efficient management of its inshore fisheries, and to which the fishermen of all parts of Her Majesty's dominions must be amenable in like manner as are the inhabitants of the colony.

To illustrate the case more forcibly, the fishermen of Newfoundland when participating in the fisheries of the Dominion, a matter of frequent occurrence, must and do conform to the local regulations governing the same, and it would be presumption on their part to argue that any other course could be pursued.

Why then should Canada assume the right of interference with similar regulations in a sister colony over which she exercises no jurisdiction?

I respectfully submit that the objections raised are entirely untenable and cannot be founded on grounds other than entire misconception of the scope and intention of the measure, which so far from prejudicially affecting the interests of Canadian fishermen must materially assist the success of their operations in curtailing the competition of foreign fishermen, firstly, in procuring the essential supply of bait, and secondly in diminishing the quantity of bounty procured fish, the depressing influence of which in foreign markets has been experienced by Dominion fishermen as well as by those of Newfoundland.

No difficulty will arise in procuring the license required by the act as it cannot be supposed that regulations will be imposed that would hamper the operations of our own fishermen in an equal, if not greater degree than those of our neighbors, and provision will be made on all parts of the coast of Newfoundland for the issue of licenses.

The objections taken to the mode of procedure in cases of violations of the act, I do not propose to discuss further than to say that here again the penalties are of general application, and the Dominion government cannot reasonably object to a penalty that will fall with equal severity on our own citizens.

The inference drawn by Sir G. W. DesVœux in his despatch relative to the Bait Bill, that Canada would suffer from its disallowance, inasmuch as American and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, particularly if excluded from this privilege in the Dominion, seems a perfectly correct conclusion and serves practically to illustrate the desirability of British fishermen retaining the undivided control of so important an element as the bait supply, giving them an advantage ground over their bounty sustained rivals.

No importance need be attached to the point raised as to the application of the Bait Act to the coast of Labrador, as that coast is not frequented by fishermen trading in bait, and there is therefore no necessity for interference with fishing operations outside of the scope of this act.

I have not seen the question nor answer of the attorney general of Newfoundland, as to the application of the Bait Bill to Canadian fishermen, but I am certain his answer, however construed, could only apply in the manner I have indicated.

I have, &c.,

ROBT. THORBURN,  
*Premier, Newfoundland.*

#### No. 33.

PORT OF LA HAVE, VIA BRIDGEWATER, N.S.,  
30th May, 1890.

To Hon. C. H. TUPPER.

The large fleet of bank fishermen owned here will be prohibited from pursuing their usual business on the Grand Banks on account of the Newfoundland Bait Act enforced against them, meaning total destruction of our bank fishing business. Vessels ready to sail. Masters anxious to know whether the department have effected any arrangements, and if paid under protest what prospect of a refund. Answer.

HY. N. REINHARDT,  
*Collector of Customs.*

#### No. 34.

(Telegram.)

To HENRY N. REINHARDT,

OTTAWA, 30th May, 1890.

Collector of Customs, Port of La Have, *via* Bridgewater, N.S.

No arrangement with Newfoundland yet effected, but in view of assurance previous government of Newfoundland, I confidently hope act will be suspended as regards Canadian fishermen.

Have sent strong despatch to Newfoundland; expect answer ere long. All payments for licenses should be made under protest, and while I expect a refund will be made, I can give no assurance as yet.

CHARLES H. TUPPER,  
*Minister Marine and Fisheries.*

—  
No. 35.

(Telegram.)

CANSO, N.S., 2nd June, 1890.

Hon. C. H. TUPPER.

Fleet Dominion schooners here; want to go for bait Newfoundland if exempt from the dollar ton tax. Advise.

J. W. YOUNG.

—  
No. 36.

OTTAWA, 2nd June, 1890.

To J. W. YOUNG,

Collector of Customs, Canso, N.S.

Government has made strong recommendations to Newfoundland government with reference to tonnage tax, for bait, and while hoping for favourable result, have no definite information as yet. It would be well for vessels paying tax, to do so under formal protest.

JOHN TILTON, *D.M.F.*

—  
No. 37.

*Lord Knutsford to Lord Stanley of Preston.*

DOWNING STREET, 2nd July, 1890.

Governor General,

The Right Honourable Lord Stanley of Preston.

MY LORD,—I have the honour to acknowledge the receipt of your secret despatch of the 31st May, forwarding a minute of your privy council on the subject of the action of the government of Newfoundland in requiring payment from Canadian fishermen for licenses issued under the Bait Bill of 1889.

As your lordship is no doubt aware, the prime minister of Newfoundland is at present on his way to this country to confer with Her Majesty's government on various questions relating to that colony, and I will not fail to bring the representations made by your government on this subject to his notice.

I am, &c.,  
KNUTSFORD.

—  
No. 38.

*Lord Knutsford to Lord Stanley of Preston.*

DOWNING STREET, 9th July, 1890.

Governor General,

The Right Honourable Lord Stanley of Preston.

MY LORD,—With reference to previous correspondence, I have the honour to transmit to you, for the information of your government, a copy of a despatch from the governor of Newfoundland forwarding copy of a minute of council respecting a modification of the regulations as to licenses under the Bait Act.

I trust that this modification will sufficiently meet the objections of your ministers and be accepted by them.

I have, &c.,  
KNUTSFORD.



[Enclosure 1 in No. 38.]

*Sir Terrence O'Brien to Lord Knutsford.*

GOVERNMENT HOUSE, ST. JOHNS,  
NEWFOUNDLAND, 21st June, 1890.

MY LORD,—I have the honour to forward for your lordship's information copy of a minute of council relative to amendments in the carrying out of the Bait Act, which it is hoped will be more satisfactory to all concerned.

I have, &c.,  
T. O'BRIEN, Lt. Col.  
Governor.

[Enclosure 2 in No. 38.]

*Extract from Minutes of Council of 20th June, 1890.*

On consideration of telegrams received from several customs officers relating to the supply of caplin bait to foreign vessels it was resolved that the following instructions be telegraphed to all the customs officials: "From this date vessels requiring caplin or squid may instead of paying tonnage license obtain a license to purchase the particular quantity of bait they require by paying a license-fee calculated at the rate of one dollar per barrel, but no vessel to take more than forty barrels. You will observe that by the foregoing system vessels may enter as often as they require. Those vessels preferring to take bait under present system can do so."

### No. 39.

*Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 31st July, 1890.*

The committee of the privy council have had before them the two dispatches dated respectively the 27th and 28th June, 1890, from the high commissioner for Canada in London, reporting the substance of the interviews that he has had with Lord Knutsford on the subject of the enforcement of the Newfoundland Bait Act against Canadian fishermen, and of the illegal seizure of British vessels by United States revenue cutters in Behring Sea, and of the continued molestation of Canadian fishermen in those waters.

The committee on the recommendation of the minister of customs, the senior privy councillor, present, desire to express their thanks to Sir Charles Tupper for the dispatches hereinbefore mentioned.

All of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,  
Clerk, Privy Council.

[Enclosure 1 in No. 39.]

OFFICE OF THE HIGH COMMISSIONER FOR CANADA.

VICTORIA CHAMBERS, 17 VICTORIA STREET,  
LONDON, S. W., 27th June, 1890.

The Right Honourable  
The Prime Minister,  
Ottawa, Canada.

SIR,—I beg to acknowledge the receipt on the 12th instant of the order in council dated 29th May, on the subject of the enforcement of the Newfoundland Bait Act against Canadian fishermen. In accordance with the instructions contained therein that I should wait upon the secretary of state for the colonies, for the purpose of presenting, in person,

the Canadian view of the case, I at once communicated with the secretary of state asking for an interview and received in reply an intimation from Lord Knutsford that he would see me on the 16th instant.

In referring to the subject matter of the order in council, I took the opportunity of recalling to his lordship's attention certain circumstances connected with the passage of the Bait Act in 1887, and its consideration by the imperial government before it received Her Majesty's assent. I pointed out to his lordship that the Canadian government at the time vigorously protested against any application of the measure to Canadian vessels, and that as the result of that protest, Sir Robert Thorburn and Sir Ambrose Shea, who had been delegated by the house of assembly of Newfoundland to make representations to Her Majesty's government respecting the bill, gave distinct assurances that Canadian fishermen would enjoy equal rights and privileges with those of Newfoundland and that there would be no restrictions on the bait supply to any British subject, and that it was in consequence of these assurances which were deemed by Her Majesty's advisers to offer sufficient safeguards for Canadian interests, that Her Majesty's government, as stated in a despatch from his lordship—then Sir Henry Holland—to Lord Lansdowne, "did not therefore hesitate to advise Her Majesty's assent to the bill."

I also recalled to his lordship's attention the fact that the attorney general of Newfoundland at the request of the premier telegraphed to the Canadian government at the same time repeating the assurances in question. I informed Lord Knutsford that in the opinion of the Canadian government the new regulations referred to in the order in council were not only a distinct breach of those assurances, but an unfriendly act in view of the fact that Newfoundland vessels in Canadian waters were treated in precisely the same manner as Canadian vessels, that they were free from light dues, and that the Canadian government incurred a considerable expense annually in erecting and maintaining several lights on the Newfoundland coasts.

As the Order in Council did not instruct me as to the views of the government upon the point whether the Newfoundland act and the regulations were in excess of the legislative power of the colony, I merely referred to that part of the question in a general way, but I pressed Lord Knutsford to use the influence of Her Majesty's government to procure the withdrawal of the objectionable regulations so far as they concern Canada.

Lord Knutsford, in reply, informed me, without expressing any definite opinion, of his impression that the regulations recently issued by the Newfoundland government were within the powers conferred upon them by the measure. His Lordship thought, however, that the Canadian government had a very strong cause of complaint against the Newfoundland government in view of the assurances that were given in 1887, and he promised to urge this view of the matter upon Sir William Whiteway, the premier, as strongly as possible when that gentleman arrives in London, which he is expected to do in the course of a week or ten days.

I will take another opportunity of seeing Lord Knutsford upon the subject as soon as I return from Brussels where I go to-morrow to attend a meeting of the conference with reference to the formation of an international customs tariff bureau.

I am, sir, your obedient servant,

CHARLES TUPPER,  
*High Commissioner.*

#### No. 40.

*Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 18th August, 1890.*

The committee of the privy council have had under consideration two despatches dated respectively 2nd July, 1890, and 9th July, 1890, from the right honourable the secretary of state for the colonies with reference to the Bait Act, 1889.

The minister of marine and fisheries, to whom the said despatches were referred, reports he is pleased to observe from the despatch of the 2nd July that Lord Knutsford is to bring the representations made by the Canadian government on the subject of the above mentioned act to the personal notice of the prime minister of Newfoundland and he the minister earnestly hopes that a satisfactory result may be reached upon this matter.

With reference to the despatch of 9th July, the minister states it appears that a modification of the regulations as to licenses under the Bait Act has been made, but he desires to point out that such a modification in no way meets the objections of your excellency's ministers, nor can they be accepted in the sense Lord Knutsford expresses the hope will be the case.

The minister, in view of the positive assurance of the government of Newfoundland that this legislation upon the subject of bait would not be enforced against Canadian vessels, feels assured that a reduction in the license fee imposed upon Canadian vessels under such legislation is not, even in the opinion of the premier of Newfoundland, intended to meet the objections raised against any enforcement of this act so far as Canadians are concerned.

In the minute of council forwarded by your excellency on 31st May last, it is distinctly shown that the government of Newfoundland gave to the Canadian government their assurance that the Bait Act would not be enforced against Canadian vessels and upon this promise Her Majesty's government, and not until then, expressly advised that this act should be allowed by Her Majesty.

The minister regrets that no answer has yet been received from the government of Newfoundland to the minute of council dated 29th May, 1890, which was forwarded direct to that colony on the 31st day of May.

The minister recommends that a copy of this report, if approved, be forwarded to the right honourable the principal secretary of state for the colonies, for submission to Her Majesty's government with the request that it be communicated to the government of Newfoundland, also that a copy be sent to the high commissioner for Canada for his information and guidance if referred to by Lord Knutsford on this subject.

The committee concur in the views above set forth and they recommend that a despatch containing the substance of this report, when approved, be transmitted to the right honourable the principal secretary of state for the colonies for submission to Her Majesty's government.

JOHN J. MCGEE,  
*Clerk, Privy Council.*

#### No. 41.

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
VICTORIA CHAMBERS, 17 VICTORIA STREET,  
LONDON, S.W., 31st October, 1890.

The Right Honourable  
The Prime Minister, Ottawa,  
Canada.

SIR,—Following up my despatch, No. 677, of the 25th instant, respecting the reported negotiations between Newfoundland and the United States for a separate fishery treaty, I now have the honour to state that I saw Lord Knutsford on Monday last and placed before him fully the views of the Canadian government upon the subject. I transmit, herewith, for the information of the government, a copy of a letter containing the representation which I subsequently made to his lordship in writing.

After my letter was written, and before its despatch, your further telegram, as under, came to hand, and you will observe that I quoted it, in post-script, for the consideration of Her Majesty's government.

"Can scarcely believe Newfoundland has received authority from imperial government to make separate arrangement respecting fisheries. The relations of all the North

American provinces to United States and to the empire would be affected. We are not informed of powers given to Bond and desire communication of them. Please represent strongly how the fishery and commercial interests of Canada might be injured by such an arrangement as Bond is currently reported as making, and how disastrous from a national point of view it would be for a separate colony to effect an arrangement with the United States more favourable than would be given to the confederated provinces. Our difficulties under new American tariff are sufficiently great now."

I have the honour to be, sir,

Your obedient servant,

CHARLES TUPPER,

*High Commissioner.*

[Enclosure 1 in No. 41.]

17 VICTORIA STREET, S. W., 27th October, 1890.

The Right Honourable

LORD KNUTSFORD, G.C.M.G.

MY LORD,—I had the honour to receive at Paris, on the 23rd instant, Mr. Bramston's despatch of the same date saying:—

"I am directed by Lord Knutsford to acquaint you that a telegram dated 6th instant has been received from Her Majesty's minister at Washington by the secretary of state for foreign affairs, of which the following is the purport:—

"With reference to your despatch of the 10th ultimo, introducing Mr. Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland relating to the fisheries. Before negotiations go further, I would suggest that the government of Canada might be informed of them as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia."

I had previously received a telegram from the premier of Canada, as follows:—

"Bond, Whiteway's minister, now at Washington, announces authority from imperial government to make separate fishery treaty. Ascertain truth and enter protest. See *New York Herald* 13th, *Boston Herald* 18th October." And I wrote to Sir R. Herbert in that sense on the 22nd instant.

I believe I am right in saying that, in reference to the question of the Atlantic North American fisheries, Her Majesty's government has hitherto invariably recognized the importance of obtaining unity of action, as far as was possible, on the part of all the colonies interested. In the treaty of reciprocity with the United States, in 1854, the consent of Newfoundland, as well as of the various provinces of Canada, was made necessary to its going into operation, and the same course was followed, subsequent to confederation, in reference to the treaties of 1871 and 1888.

I learn, with deep regret, that this obviously sound policy has not only been departed from, but that, while Newfoundland has on previous occasions been fully advised as to negotiations that were to be undertaken, her Majesty's Government have, without any intimation to Canada of what was proposed, authorized, so long ago as the 10th of September, Newfoundland to open negotiations for a separate treaty with the United States, and that the first communication to Canada is a suggestion from Sir J. Pauncefoot not to include Canada in the proposed arrangement,—but "that the government of Canada might be informed of them as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia" *i.e.*, for a treaty independent of the other provinces of Canada.

I should fail in my duty to the crown, as well as to Canada, if I did not promptly assure your lordship that I feel confident the difficulties of the vexed question of the British North American fisheries will be greatly increased by the wide departure that is now proposed from the long established policy that has hitherto prevailed upon this very important question.

I am, etc.,

CHARLES TUPPER.

P. S.—Since writing my letter I have received the following telegram from Sir John A. Macdonald, which I beg to quote for the consideration of Her Majesty's government:—"Can scarcely believe Newfoundland has received authority from imperial government to make separate arrangement respecting fisheries. The relations of all the North American provinces to United States and to the empire would be affected. We are not informed of powers given to Bond and desire communication of them. Please represent strongly how the fishery and commercial interests of Canada will be injured by such an arrangement as Bond is currently reported as making, and how disastrous, from a national point of view, it would be for a separate colony to effect an arrangement with the United States more favourable than would be given to the confederated provinces. Our difficulties under the new American tariff are sufficiently great now."

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**No. 42.**

(Cable Telegram.)

OTTAWA, 17th November, 1890.

To Sir CHARLES TUPPER, Bart.,  
High Commissioner for Canada,  
17 Victoria Street, London, England.

New York *Tribune*, Blaine's organ, 13th November, reciprocity with Newfoundland concludes as follows:—

Let us put this frankly and clearly. The United States will hardly be disposed to create a commerce for the people of Newfoundland, and then to have the profits of that commerce go to Canada and France. The rights of the French, if by right there are any, must be closed out on some other basis than the concession of free bait to the men of St. Pierre. Free bait is no favour to us, if the French and Canadians can have it too. If Mr. Bond permits Sir William Whiteway and Mr. Harvey, or Lord Knutsford for them, to barter that away, he will find himself robbed of the key to Fulton market.

CHARLES H. TUPPER.

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**No. 43.**

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 12th December, 1890.

The committee of the privy council have had under consideration a report herewith attached, dated the 9th December, 1890, from the sub-committee of council, to whom was referred a letter from the high commissioner for Canada, dated the 31st October, 1890, on the subject of the recent negotiations between a delegate from the government of Newfoundland and the administration of the United States, for a convention relating to the fisheries and commerce between the colony of Newfoundland and the United States.

The committee, concurring in the report, recommend the same for your excellency's approval.

JOHN J. MCGEE,  
Clerk, Privy Council.

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**REPORT.**

To His Excellency the Governor General in Council.

The undersigned have had referred to them a letter from the high commissioner for Canada, dated the 31st October, 1890, on the subject of the recent negotiations between a delegate from the government of Newfoundland and the administration of the United States for a convention relating to the fisheries and commerce between the colony of Newfoundland and the United States.

The high commissioner had been informed by telegram from your excellency's first minister, that the Honourable Mr. Bond, a member of the Newfoundland government, was at Washington, and seemed to have announced that he had authority from the imperial government to make a separate fishery treaty for his government, and the high commissioner was asked to ascertain the truth and enter protest. He was referred to the New York and Boston papers, which contained the information referred to.

The high commissioner wrote to Sir Robert Herbert on the 22nd October, intimating that he had received such a telegram from the premier of Canada, and on the 23rd October, Mr. Bramston addressed the high commissioner, in reply, as follows :—

"I am directed by Lord Knutsford to acquaint you that a telegram, dated the 6th instant, has been received from Her Majesty's minister at Washington by the secretary of state for foreign affairs, of which the following is the purport :

"With reference to your despatch of the 10th ultimo, introducing Mr. Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland relating to the fisheries. Before negotiations go further, I would suggest that the government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia."

The high commissioner, in a letter to the Right Honourable Lord Knutsford, Her Majesty's Principal Secretary of State for the Colonies, dated the 27th October, set forth the telegram he had received from the first minister of Canada and the letter from Mr. Bramston, and followed with certain observations, thus :—

"I believe I am right in saying that, in reference to the question of the Atlantic and North American fisheries, Her Majesty's government has hitherto invariably recognized the importance of obtaining unity of action, as far as was possible, on the part of all the colonies interested. In the treaty of reciprocity with the United States, in 1854, the consent of Newfoundland, as well as the various provinces of Canada, was made necessary to its going into operation, and the same course was followed, subsequent to confederation, in reference to the treaties of 1871 and 1888.

"I learn with deep regret that this obviously sound policy has not only been departed from, but that while Newfoundland has on previous occasions been fully advised as to negotiations that were to be undertaken, Her Majesty's government have, without any intimation to Canada of what was proposed, authorized, so long ago as the 10th September, Newfoundland to open negotiations for a separate treaty with the United States, and that the first communication to Canada is a suggestion from Sir J. Poncefote not to include Canada in the proposed arrangements, but that the government of Canada might be informed of them, as they might wish to negotiate on the same lines as regards New Brunswick and Nova Scotia, *i. e.*, for a treaty independent of the other provinces of Canada.

"I should fail in my duty to the crown as well as to Canada if I did not promptly assure your lordship that I feel confident the difficulties of the vexed question of the British North American fisheries will be greatly increased by the wide departure that is now proposed from the long established policy that has hitherto prevailed upon this very important question."

The high commissioner having communicated to the first minister the despatch from Mr. Bramston of the 23rd October, above set forth, a telegram was sent to him by the first minister as follows :—

"Can scarcely believe Newfoundland has received authority from imperial government to make separate arrangements respecting fisheries. The relations of all the North American provinces to the United States and to the empire would be effected. We are not informed of powers given to Bond, and desire communication of them. Please represent strongly how the fishery and commercial interests of Canada will be injured by such an arrangement as Bond is currently reported as making, and how disastrous, from a national point of view, it would be for a separate colony to effect an arrangement with the United States more favourable than would be given to the confederated provinces. Our difficulties under the new American tariff are sufficiently great now."

Your excellency was, on the same day, moved to request from Lord Knutsford communication of the authority possessed by Mr. Bond, and likewise to urge that no arrangement be concluded until your government should be informed of the nature thereof, and unless Canada should be given an opportunity to be included therein if she should so desire.

It appears also that the high commissioner waited on Lord Knutsford personally, and expressed at large the views which are indicated in his letter of the 27th October.

About the 15th November last, it transpired that a draft convention between Newfoundland and the United States of America had been prepared in the following terms:—

“ARTICLE I.

“United States vessels to have privilege of purchasing bait in Newfoundland on the same conditions as Newfoundland vessels, and to be allowed to touch and trade, sell their fish and oil, and procure supplies, paying same dues as Newfoundland vessels, and conforming to the harbour regulations.

“ARTICLE II.

“Facilities shall be given for recovering in United States courts of the penalties incurred under bonds by United States citizens.

“ARTICLE III.

“United States admit, duty free, Newfoundland codfish, cod oil, seal, and herrings, salmon, lobsters, &c., and crude produce of mines.

“ARTICLE IV.

“Convention to continue for ten years and thereafter from year to year, subject to year's notice.”

It may be necessary at this stage to call the attention of your excellency and of Her Majesty's principal secretary of state for the colonies to sum up the grounds on which your excellency's advisers feel bound to remonstrate against the separate arrangement being made between the United States and one of the British North American provinces to the exclusion of the others, relating to the fisheries and commerce.

From the earliest period in the history of the North American fishery question down to the opening of negotiations with Mr. Bond, Her Majesty's government has invariably recognized the fact that the interests of all her possessions in British North America with regard to the fisheries were bound up together, and could only be properly dealt with on a basis common to all.

This view has prevailed at every step in the diplomacy and in administration, the two great points on which the Atlantic fishery question has always turned being the competition in fishing between British subjects and foreigners and the question of access to the markets of the United States for sale of fish caught by British subjects.

In early times the negotiations which took place between Great Britain and foreign countries concerning the fisheries had chiefly in view the bank fisheries off the coast of Newfoundland, the prosecution of which was immensely facilitated by the obtaining of supplies and outfits in the island of Newfoundland and on the coast of some of the provinces now forming part of Canada. These fisheries, with that adjunct, were regarded as the principal object to be secured and established in any arrangement made by Great Britain and the great object aimed at by the United States and France.

By the treaty of 1778 between France and the United States (article x) provision for the fishery rights on the banks of Newfoundland were stipulated for by France and guaranteed by the United States.

The United States took care to stipulate for the enjoyment of these fisheries by the treaty of 1783.

It was to establish the successful prosecution of the fisheries by her people that France incurred such enormous expenditures in fortifying Louisbourg and in retaining possessions in North America, and that the New England colonies, by two successive



expeditions, accomplished the capture of Louisburg, and thereby achieved a success which was described as having counterbalanced all the disasters which had fallen upon the British arms in Europe.

It was with the same view that Lord North in 1775 introduced his bill to prevent the inhabitants of the New England States from fishing on the banks, although it has now long since been conceded that these fisheries themselves are open to all nations.

The IIIrd Article of the treaty of Paris (1783) dealt in a single paragraph with "*such part of the coast of Newfoundland as British fishermen use, and also the coasts, bays, and creeks of all of His Britannic Majesty's dominions in America.*"

When the treaty of Ghent was being negotiated, in 1814, the bank fisheries were being extensively prosecuted by both American and colonial fishermen. The Americans, however, adopted the policy, which they will doubtless presently revive (if such a convention as that proposed be adopted), of granting a bounty to aid their own fishermen and establishing customs duties against all others.

From 1815 to 1818 the bounty paid in the United States to fishermen rose from 1,811 dollars to 149,000 dollars, and after the convention of 1818 it continued to rise, until, in 1838, it was upwards of 314,000 dollars.

On the 17th June, 1815, Lord Bathurst conveyed to Vice-Admiral Sir Richard G. Keats the command of his Royal Highness the Prince Regent, that while he was to abstain from interfering with the fisheries in which the subjects of the United States might be engaged, either on the Grand Banks, the Gulf of St. Lawrence, or other places in the sea, he should "*exclude their fishing-vessels from the bays, harbours, creeks, and inlets of His Majesty's possessions.*" His Lordship, in writing to the Governor of Newfoundland, said, "*The subjects of the United States can have no pretence to any right to fish within British jurisdiction, or to use the British territory for purposes connected with the fisheries.*"

When the treaty of 1818 was made, although a special privilege was given to United States fishermen of fishing on certain parts of the coast of Newfoundland, of the Magdalen Islands and of Labrador, in all other respects the fishermen of all the British provinces received the same protection, and its provisions were made in the interests of all alike, especially those by which United States fishing vessels were prohibited from entering the bays and harbours of British North America to obtain facilities in the prosecution of the fisheries.

The imperial statute of 1819, which was passed to make this treaty effective (59 Geo. III, cap. 38), as well as all the acts passed for the same purpose in the British North American provinces, followed the same principle, and were uniform as to their substance and spirit.

The treaty of reciprocity of the 5th June, 1854, made provisions as to the fisheries and commerce which were common to all the provinces. The rights which it gave to United States fishermen were rights in all the fisheries of British North America, and the commercial concessions made by the United States were made in favour of all the British North American provinces which were willing to accept them.

In the Washington treaty of 1871, although Canada was represented among Her Majesty's plenipotentiaries and Newfoundland not represented, there was an express provision, by Article xxxii, that the treaty provisions relating to the fisheries and commerce which applied to Canada and Prince Edward Island, should extend to the colony of Newfoundland, so far as applicable.

The Washington treaty of 1888 included Canada and Newfoundland under one provision, although, as before, Her Majesty's commission to Her plenipotentiaries did not include a representative from the colony of Newfoundland, but included a representative from Canada.

The *modus vivendi* attached to the treaty was common to both Canada and Newfoundland, and, until the fishing season of 1890, was kept in force by both countries; the licenses issued to American fishermen by Canada being recognized in Newfoundland, and those issued in Newfoundland being recognized in Canada.

On at least two occasions there were strong expressions from Her Majesty's government to indicate that any policy not common to all the British North American provinces would not receive the approval of that government.

The first of these instances occurred in 1868. A committee of the house of representatives at Washington was appointed in that year, "to inquire and report at the next session of congress the fullest and most reliable information they could obtain in regard to the colony of Prince Edward Island, including particularly whatever could be ascertained as to the kind and amount of imports and exports to and from the island, and the views and disposition, as well as authority, of the colonial government, to enter into any particular or exceptional arrangement or agreement, by legislative enactment, with the United States, conceding and securing such privileges as to fisheries on the coast as were contemplated" in a resolution which had been referred to the committee of ways and means for their report, which resolution looked in the direction of free trade between Prince Edward Island and the United States as a return for fishing under a nominal license fee, on the coast of the island, and for the right of American fishing vessels to enter for shelter, or to obtain supplies and to refit free of duty or impost.

The committee of the house of representatives proceeded to Prince Edward Island in the summer of 1868, and had a conference with the executive council of that province on the subject of the resolution. Certain propositions were made by the congressional committee, and were favoured by the executive council with slight modifications. The executive council made a favourable report on the subject of the conference, expressing hope that Her Majesty's government would feel favourable to the propositions, although they related to Prince Edward Island only.

The lieutenant governor, on the 27th August, 1868, communicated to the Duke of Buckingham and Chandos the memorandum of his council, and informed his grace at the same time that he had "thought it right to express clearly, in writing to his council, that a colonial government had no authority whatever to enter into any particular or exceptional arrangement or agreement with a foreign power."

On the 30th September, 1868, the Duke of Buckingham and Chandos acknowledged the receipt of the despatch from the lieutenant governor which inclosed the memorandum sent to him by his advisers, and stated that Her Majesty's government entirely approved of the answer which the lieutenant governor had made to his council. Here the matter ended.

Another instance occurred in July, 1887, when the American minister at the court of St. James' communicated to Sir Ambrose Shea that, "should the government of Newfoundland see fit to give notice that American fishermen be admitted to the ports of that province for the purpose of obtaining supplies, the proposal would be cordially accepted and acted on by the government of the United States. Her Majesty's principal secretary of state for the colonies informed the officer administering the government of Newfoundland, that no separate action should be attempted by the Newfoundland government, in the direction suggested, without full previous communication with Her Majesty's government."

These documents were transmitted to your excellency's predecessor. In the end, the attempt to negotiate a separate arrangement between the United States and Newfoundland was abandoned, and negotiations were opened with Her Majesty's government on behalf of Newfoundland and Canada. This resulted in the Washington treaty of 1888, which was only defeated by want of concurrence on the part of the Senate of the United States. Since that time the governments of Newfoundland and Canada have acted in concert.

The government of Newfoundland has repeatedly recognized the force of the view here contended for.

In an address to Her Majesty's principal secretary of state for the colonies from the legislative council and house of assembly in Newfoundland, dated the 18th May, 1886, after referring to the fact that the British fishermen engaged in the prosecution of the cod fisheries had great advantages over American fishermen under the convention of 1818, and after stating further, that the United States had abrogated the treaty of

Washington and renewed the impost on fishery products of British colonies, the following expression, which may now be aptly applied to the prospects of the Canadian fishermen if a separate arrangement should be made for Newfoundland, was used:—

"If we supinely assent to this course, we shall provide these (our rivals) with the means of shutting us entirely out of the United States markets."

In a despatch dated the 14th January, 1887, from Governor Sir G. Des Vœux to Mr. Stanhope, the former well described the position in which Newfoundland fishermen would be placed if obliged to furnish bait to foreign fishermen who would be in competition with them in the markets of the foreign country, while these markets were practically closed to the products of British fisheries. He says: "It is evident that Newfoundland is thus furnishing the means of its own destruction."

Further on, in the same despatch, the writer states: "I have very good reasons for believing that, as regards the United States, the right of obtaining bait would be restored on the opening of the American markets to Newfoundland fish, or (if common cause be made with Canada) to all British fish."

Referring in a subsequent passage to the Canadian statute passed in 1887 for the enforcement of the treaty of 1818 by the exclusion of American fishing vessels, except for the purposes for which they were allowed to enter, under the convention of 1818, his excellency said: "I may mention, as probably having escaped notice, that this object will, to a large extent, fail to be secured if a similar measure in this colony should not be enforced, as it is not impossible that the Americans could afford to disregard the prohibition of bait supply on the Canadian coast if they were assured of being able to procure the bait they require on the coast of Newfoundland. The interests of Canada and of this colony being thus to this extent identical, it is not difficult to foresee that any further delay in the allowance of the bill would give rise to the strongest pressure on the part of the Canadian government."

In a letter from Sir Robert Thorburn, Premier of Newfoundland, to Her Majesty's principal secretary of state for the colonies, dated 27th April, 1887, on the subject of the Newfoundland Bait Act and of the remonstrance of Canada against the same, which has been put forward on a supposition that Canadian fishermen would be put in the position of foreign fishermen by that act, in being obliged to pay for licenses, Sir Robert Thorburn said that the inference drawn by Sir G. W. Des Vœux in his despatch relative to the Bait Bill, that Canada would suffer from its disallowance, inasmuch as American and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, particularly if excluded from this privilege in Canadian waters, seemed a perfectly clear conclusion, and served practically to illustrate the desirability of British fishermen retaining the undivided control of so important an element as the bait supply, giving them vantage ground over their bounty-sustained rivals.

When the arbitration took place at Halifax to settle the compensation to be paid by the United States under the treaty of Washington, the British case was presented by an agent of Her Majesty's government, in consultation with counsel from Newfoundland as well as from the provinces of Canada.

The following is an extract from that case which will serve to indicate the value of the privileges which were supposed to be accorded to United States fishermen by the treaty of 1871, of procuring bait and of making Newfoundland the basis of operations, while the disadvantages to Newfoundland fishermen which are there set forth affect equally Canadian fishermen who pursue their vocation in the bank and deep sea fisheries:—

"Apart from the immense value to the United States fishermen of participation in Newfoundland inshore fisheries must be estimated the important privilege of procuring bait for the prosecution of the Bank and deep sea fisheries, which are capable of unlimited expansion; with Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., and almost continuous prosecution of the Bank fisheries secured to them. By means of these advantages, United States fishermen have acquired, by the treaty of Washington, all the requisite facilities for increasing their fishing operations to such an extent as to

enable them to supply the demand for fish food in the United States markets, and largely furnish the other fish markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. \* \* \* \*

"Not only are the United States fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them, for the successful prosecution of the Bank fisheries, but they are enabled, through the privileges conceded to them by the treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise."

Attention may now be called to the action of the United States administration in the present year.

By the adoption of the tariff measure which is popularly known as the "McKinley Act," the customs duties of the United States are greatly increased on nearly all Canadian products (including fresh fish, unless caught in vessels or by nets owned by American citizens). While this measure is in force, and is avowed to be designed to teach Canadians that they cannot avail themselves of the markets of the United States while they continue their allegiance as British subjects, a separate arrangement with Newfoundland would practically dissolve the protection given by the treaty of 1818, by enabling American fishing-vessels to have access to the ports of Newfoundland as a base of supplies and for the purpose of transshipping their cargoes. The protection afforded by that treaty for upwards of seventy years would thus be taken away from Canadian fishermen and Newfoundland fishermen alike, but there would be special compensation to the fishermen of Newfoundland in the shape of removal of duties, while the Canadian fishermen would be made to pay enhanced duties under the new American tariff. While this would, perhaps, be the most effectual method of impressing on the minds of the Canadian people the lesson that they cannot be British subjects and enjoy American markets, Her Majesty's government can hardly, on reflection, feel surprised that your excellency's government have not for a moment believed that Her Majesty's ministers would co-operate with the authorities of the United States in inculcating such a lesson at the present time.

The subject has also to be viewed to some extent in connection with the question of the confederation of the provinces. The union which was effected, in accordance with the strong desire of Her Majesty's government, in 1867, has always been viewed with unfriendly feelings by a large portion of the people in the United States, who continue, with great reason, to regard it as a means of consolidating British power in North America. The confederation provinces, at great sacrifices, have striven to accomplish that object; they have made progress in the direction of its accomplishment, of which they feel some pride, but they are now threatened with being placed in a worse position, as regards some of the most important interests of their commerce, than the one colony in British North America which has remained outside of the union.

The administration of the United States has long been aware that the government of Canada is willing to enlarge the trade relations between the two countries by a system of reciprocity. That intention has so often been announced, in offers from the Canadian government, in proposals put forward by negotiations, in customs legislation and in public declarations of responsible ministers, that the authorities of the United States have from time to time resented what has been considered the importunity of Canada in this regard. Her representatives have often reproached Canada with being unable to maintain existence without reciprocity, and asserted that the livelihood of her people is dependent on tariff concessions from the United States. Canada has been constantly accused, by public men in the United States, of adopting a severe policy in asserting her fishery rights in order to force negotiations for the extension of trade.

Her Majesty's principal secretary of state for the colonies may, perhaps, with propriety, be reminded, on this occasion, that the complaint constantly put forward against Canada in the United States is, that Canada denies hospitality in her ports to American vessels, which is not denied to Canadian vessels in United States ports.

When the treaty of 1818 was negotiated the abstention by American fishing-vessels from using British ports, except for shelter, repairs, wood, and water, was conceded by the United States negotiators in return for the right to fish in-shore on parts of the coasts of Newfoundland and Labrador, and on all the coasts of the Magdalen Islands. This privilege, so rarely accorded by the people of one country to the people of another, was boasted of by the American negotiators, after the treaty of 1818 was signed, as having secured to the United States the most valuable fisheries on the British American coast.

The people of the United States have made no proposal to relinquish that benefit, but they complain that the concession by which it was purchased should be enforced.

It seems necessary also to remind Her Majesty's principal secretary of state for the colonies of the peculiar position in which British and Canadian fishing interests will be placed by such a convention as that proposed, in view of the Bait Act of Newfoundland. Under that act and the regulations made by the government of Newfoundland, under powers conferred on them by it, no fishing-vessel can enter the ports or harbours of Newfoundland to obtain bait without a license, which can only be obtained under very onerous restrictions, which exact, among other things, a very heavy license fee. His lordship will remember that that act was only allowed by Her Majesty's government to go into operation after the most distinct written pledges given by members of the Newfoundland government and by its representatives that no license fee would be exacted from Canadian fishermen. During the fishing season of last year that pledge was not observed, and the same fee which was charged to foreign vessels was exacted from Canadian fishermen. His lordship will remember that the attention of Her Majesty's government has already been drawn to this subject by minute of council of your government; and that, on a subsequent occasion, in the month of August last, the high commissioner for Canada and the minister of justice had an interview with his lordship, in the presence of two delegates from the Newfoundland government, in which, on behalf of Canada, this whole subject was presented again, and in the course of which his lordship was good enough to urge upon the delegates from Newfoundland that their government should keep faith, when that faith had been so distinctly pledged. The delegates from the Newfoundland government present at that time professed ignorance of the pledges which had been given until they had communication of them in London; but they assured his lordship that the attention of their Government would be given to the matter immediately, with a view and desire to carry out the promises which had been made. The fulfilment of this renewed promise and the exemption of Canadian fishermen from the provisions of the Bait Act would not lessen any of the objections which have been stated in this report; but it seems necessary to remind Her Majesty's principal secretary of state for the colonies that if this promise should still go unfulfilled, and the draft convention be adopted, the singular case would be presented of one colony of the empire admitting foreign vessels to privileges in her ports and excluding the vessels of the neighbouring colonies as well as of the mother country from the like privileges.

Respectfully submitted.

JNO. S. D. THOMPSON,  
*Minister of Justice.*

CHARLES H. TUPPER,  
*Minister of Marine and Fisheries.*

Ottawa, December 9, 1890.

#### No. 44.

*COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 31st December, 1890.*

On a memorandum dated 17th December, 1890, from the minister of marine and fisheries, submitting a petition with annexed document from Mr. Henry Dicks, owner of the schooner "Hattie" 18 tons, registered at the port of Charlottetown, Prince Edward

Island, from which it appears that Mr. Dicks, having taken out a "Fishing bounty license" under the provisions of an act, chapter 96, Revised Statutes of Canada, intituled "An act to encourage the development of the sea fisheries and the building of fishing vessels," cleared his vessel from Murray Harbour, Prince Edward Island, on the 28th April, last.

That on the 5th day of July, he entered the port of Channel, Newfoundland, reported at customs, paid the usual light dues, and made entry of fishing supplies consisting of 130 empty herring barrels and  $4\frac{1}{2}$  tons of salt.

That a duty was exacted from him on his supplies, amounting to \$16.70.

That upon protesting against the payment of such duty, Mr. Dicks was detained four days, but in order to obtain a clearance to proceed to fishing grounds he eventually paid the duty, though the barrels and salt had not been landed.

That having cleared from the port of Channel on the 10th July, for coastwise fishing, having on board the aforesaid fishing supplies, usual stores and a seine, preventive officer Richard Furneau, in the service of the Newfoundland government came on board the 7th August, when he was seven miles from Burnt Island, and seized his vessel for alleged violation of the law in hauling herring with a seine.

That he afterwards proceeded to Channel and was granted a license on the 11th August to continue fishing, on giving bonds for \$2,000, that the fish were for food and exportation.

That having resumed charge of his vessel an officer again came on board, and would not allow the petitioner to resume fishing. Shortly after the petitioner discovered that his seine had been "tripped" and that the herring were lost, by the interference of the preventive officer.

That on the 13th August the petitioner paid \$18 or \$1 a ton to the customs officer, getting a receipt therefor, but the seizing officer refused to allow the ship to go.

The petitioner was arrested and on the 20th August was tried for an infringement of the Bait Act, and a fine of \$6 was imposed. The petitioner being unable to afford an appeal, this fine was paid.

The herring season was then over, the crew had become demoralized, the petitioner had sustained very serious loss, and being an ordinary fisherman, he was unable to seek redress for the interference which resulted in the loss of his fish from the seine, as well as that of the fishing season. He claims the sum of \$2,000 damages.

The minister also submits a report on the above mentioned petition from Lieutenant A. R. Gordon, R. N., officer in charge of the fisheries protection service; from which it will be observed that he considers the loss of the 300 barrels of herring equivalent to a money loss of \$1,300, while the undue interference on the part of the Newfoundland authorities, resulting in the breaking up of Mr. Dicks' fishing voyage, occasioned damage which, together with the loss of the fish, could not be compensated for less than the amount claimed, viz.: \$2,000.

The minister observes that throughout the whole transaction there appears to have been every disposition on the part of Mr. Dicks to comply with the requirements of the local laws, and in this connection the minister invites attention to minutes of council, transmitted to the government of Newfoundland during the present year, in which, touching the question of the application of the Newfoundland Bait Act to Canadian fishermen, it was shewn that the government of Newfoundland gave to the Canadian government their positive assurance that the Bait Act would not be enforced against Canadian vessels.

The minister cannot suppose that the alleged treatment of Mr. Dicks by the Newfoundland authorities was authorized by the government of that colony, and it is in marked contrast with that extended to the fishermen of Newfoundland when on our shores by Canadian officials. It would appear also from Lieutenant Gordon's report that this case is not an isolated one, but that a strong feeling exists generally among the Canadian fishermen regarding the treatment they are receiving from the officials in the service of Newfoundland.



The minister is aware of causes existing for the long delay on the part of the government of Newfoundland, in dealing with representations of your excellency's government respecting the Bait Act. The minister of marine and fisheries is confident that ultimately that government will see that good faith is maintained between the two colonies of the empire.

The committee recommend that your excellency be moved to bring the claim of Mr. Dicks to the notice of the government of Newfoundland for their attention, with a view to affording full relief for the losses sustained.

All which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,  
*Clerk, Privy Council.*

[Enclosure 1 in No. 44.]

Dominion of Canada,  
Province of Prince Edward Island,  
County of Kings,  
Georgetown,  
*to wit:*

I, Henry Dicks, of Murray Harbour, in Prince Edward Island, mariner and fisherman, do solemnly declare that the statements set forth in the petition hereunto annexed are true and I make this solemn declaration conscientiously believing the same to be true and by virtue of the "Act respecting Extra Judicial Oaths."

HENRY DICKS.

Declared before me at Georgetown  
in Kings County, Prince Edward  
Island, this 29th day of October  
A.D., 1890.

D. A. MACKINNON, *Notary Public.*

[Enclosure 2 in No. 44.]

To the Honourable

CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

The petition of Henry Dicks, of Murray Harbour, in Prince Edward Island, Dominion of Canada, mariner and fisherman,  
Humbly sheweth:—

That your petitioner resides with his wife and family at Murray Harbour, in Prince Edward Island.

That he is owner of the schooner "Hattie," 18 tons, registered in Charlottetown, in said island, No. 88644, and is a British subject.

That he took out a fishing bounty license for deep see fishing in British waters and cleared with said schooner from the port of Murray Harbour on the 28th of April last.

That a copy of said license is annexed, marked "A."

That on the 5th day of July your petitioner entered into port of Channel, in Newfoundland, and reported and paid the usual light money, and also made entry of fishing supplies consisting of 130 barrels for herring and 4 tons salt.

That he was compelled to pay a duty on the said barrels and salt before a clearance would be granted, amounting to \$16.70. That your petitioner considers he should not have been compelled to pay such duty, and at the time protested against paying it, and was detained in said port four days until payment of duty, which was paid eventually in order to get clear to fish, the barrels and salt not having been landed at all.



That he cleared from Channel on 10th July for coastwise fishing, having on board the aforesaid barrels and salt and usual stores and seine which were not landed. That a copy of certificate of entry and clearance at Channel is annexed marked "B."

That your petitioner proceeded to Burnt Island about fifteen miles distant, and fished with seine, off said island, and within a radius of about seven miles from the island, making several small hauls of herring. That on the 2nd August he made a large haul of herring, about half way between Channel and Burnt Island, and was employed for three days taking the fish out of the seine, which was moored in a safe place, and had about five hundred barrels of herring enclosed.

That Captain Eastman, with his schooner "Annie G" of Newfoundland was fishing in company with your petitioner, and his small seine was used to take the fish on board out of your petitioner's large seine. That 130 barrels herring were taken out and put in Captain Eastman's barrels, and 100 barrels were put on board the "Hattie" out of this haul by your petitioner and his crew.

That there still remained in the seine about three hundred barrels.

That on the evening of the 7th August, Richard Furneaux, preventive officer, in service of Newfoundland government, came on board and said he was going to seize said schooner for violation of the law in hauling herring with a seine.

That on the following morning, about 7 o'clock, said Richard Furneaux seized your petitioner's schooner and, as originally written, put an officer in charge.

That such officer continued in charge for 12 days and nights and prevented your petitioner from continuing hauling herring.

Your petitioner telegraphed to the collector of customs at Channel on the 8th as follows: "Schooner seized under your instructions: better come down." To which the collector replied: "Better come up: cannot understand your case."

That a copy of the reply is annexed marked "C."

Your petitioner proceeded immediately to Channel and was granted a license there on 11th August, to continue fishing and the magistrate there advised that the license was all your petitioner required.

That a copy of said license is annexed marked "D."

That to obtain such license your petitioner, with two sureties, had to give bonds for \$2,000 that fish were for food and exportation.

Your petitioner then went to his vessel and took charge of her. A few hours afterwards the said officer came on board again with a telegram from the preventive officer to pay \$1 a ton and ignore the license of Mourant, a copy of which is annexed marked "E," and he again took charge of your petitioner's schooner.

Your petitioner informed Mr. Mourant, who had granted the license, of this and received reply to pay nothing for license to preventive officer.

That a copy of said reply is annexed marked "F."

That the said officer would not allow your petitioner to continue fishing; and soon after your petitioner discovered that his seine had been tripped and the herring were all gone.

That this loss of herring occurred as a consequence of such interference by the preventive officer. That a copy of letter received from him is annexed "G."

That on the 13th August your petitioner went to the magistrate at Channel, Mr. Squarrie, and he wired the attorney general of Newfoundland at St. John's and received reply, a copy of which is annexed marked "H," to pay for license.

That on receipt of this, your petitioner went to Channel and paid the license fee, \$1 per ton, in all, \$11, to Mr. Mourant, customs officer, and obtained receipt, which was shown to Richard Furneaux, the officer seizing, and he was asked to let ship go, but he refused and continued in charge.

That the magistrate from Channel sent a policeman on board who arrested and took your petitioner ashore for trial on or about the 20th August, for infringement of Bait Act, and a fine of \$6 was imposed.

Your petitioner paid this, as he could not afford an appeal, and further interference ceased.

By this time the herring season was over, the crew demoralized and your petitioner has taken no fish since, and the loss was very serious to your petitioner, who is an ordinary fisherman, unable to privately prosecute the parties who interfered and caused the loss of the herring from the seine and the loss of the season's work and worry and trouble to your petitioner; and your petitioner claims \$2,000 damages.

Your petitioner therefore humbly prays that your honour would make due enquiries into the actions of the officers of the Newfoundland government and demand recompense from them for damage caused and loss sustained by your petitioner in the premises, and a refund of the duty.

And your petitioner will ever pray.

HENRY DICKS.

Witness,

D. A. MACKINNON, *Notary Public.*

[Enclosure 3 in No. 44.]

"A."

No. 4.

1890.

*Fishing Bounty License, under Statute 45 Victoria, Chap. 18.*

PORT OF MURRAY HARBOUR, P.E.I., 28th day of April, 1890.

The herein named Henry Dicks, being a British subject, and owner of the British vessel "Hattie," 18 tons measurement, registered at Charlottetown, P.E.I., official number 88,644, carrying a crew of four men, having declared to me his intention to employ the "Hattie" in deep sea fishing in British waters, for fish other than shell fish, salmon and shad, or fish taken in rivers or mouths of rivers, for at least three months during the year 1890, is granted this license in order that the above named vessel, when having complied with the regulations, may be entitled to claim fishing bounty.

H. J. BRENANT,

*Sub-Collector.*

[Enclosure 4 in No. 44.]

"B."

PORT OF CHANNEL, NEWFOUNDLAND.

These are to certify all whom it doth concern, that Henry Dicks, master in command of the schooner "Hattie," burthen 18 tons, mounted with no guns, navigated with 5 men, B. P. built, and bound for coastwise fishing, having on board 130 herring barrels,  $4\frac{1}{2}$  tons salt, all duty paid; also stores and seine for the use of the voyage; hath here entered and cleared his said vessel according to law.

Given under my hand at the custom house, at the port of Channel, in the island of Newfoundland, this 10th day of July, one thousand eight hundred and ninety.

Plantation No. 20, General Clearance (Long).

CHAS. MOURANT,

*Sub-Collector.*

[Enclosure 5 in No. 44.]

"C."

*Newfoundland Government Telegraph Lines, No.*

OFFICE STAMP AND DATE, 9th August, 1890.

Line No. — Place from, Channel, — No. of words, 17, paid.

No enquiry respecting this message can be attended to without production of this paper:—

To HENRY DICKS, Burnt Islands.

Better come up, cannot understand your case.

MOURANT.

[Enclosure 6 in No. 44.]

"D."



## LICENSE.

*For Newfoundland deep sea fishery.*

To purchase, haul, or take bait fishes for the prosecution of the fishery.

According to the provisions of the act passed in the 52nd year of the reign of Her present Majesty, entitled "An act to amend and consolidate the laws relating to the exportation and sale of bait fishes" permission is hereby given to Capt. H'y Dicks, of Prince Edward Island, of the schooner called "Hattie," to purchase and haul herrings to be taken on board the said vessel to be split by the master of said vessel for the purpose of food, not exceeding in all five hundred barrels, to be exported to the Dominion of Canada.

Dated at Channel, this 11th day of August, A.D., 1890.

CHAS. MOURANT,  
*Sub-collector of Customs.*

Countersigned B. BOND,  
*Colonial Secretary.*

Reference annexed, to 52 Vic., cap. 6, ss. 6, 8, 9, 10, and 11—re-exportation of bait fishes.

[Enclosure 7 in No. 44.]

"E."

*Newfoundland Government Telegraph Lines, No. 1.*

OFFICE STAMP AND DATE, 12th August, 1890.

Line No. —Place from, Rose Blanche.—No. of words, 17, paid.

No enquiry respecting this message can be attended to without the production of this paper.

To Capt. DICKS, Burnt Islands.

Insist you paying dollar per ton. Mourant cannot interfere, ignore any license you may have from him.

PREVENTIVE OFFICER.

[Enclosure 8 in No. 44.]

"F."

*Newfoundland Government Telegraph Lines, No. 4.*

OFFICE STAMP AND DATE, 12th Aug., 1890.

Line No. —Place from, Channel.—No. of words, 19, paid.

No enquiry respecting this message can be attended to without production of this paper.

To HENRY DICKS, Burnt Islands.

Best my knowledge and belief pay nothing for license, as cargo is intended food purpose, and not for bait.

MOURANT.

[Enclosure 9 in No. 44.]

"G."

CUSTOMS, BURNT ISLANDS, 12th August, 1890.

Capt. DICKS.

DEAR SIR,—You are directed by the colonial secretary to pay a fee of \$1 per ton of your schooner, and to give bond that your herring will be duly cleared and landed at some port or ports in the Dominion of Canada.

Other business calls me to Rose Blanche, or I would stay and see you myself. You can therefore pay Mr. Tuesdell and make the necessary bond with him. In default of payment I will take legal proceedings. So the best way would be for you to settle this matter in as quiet a manner as possible.

Yours, &amp;c.,

R. FURNEAUX,

*Preventive Officer.*

[Enclosure 10 in No. 44.]

"H."

*From Acting Attorney General, St. Johns, to Magistrate, Channel.*

ST. JOHNS, 14th August, 1890.

If foreigners haul herring for exportation for food and give bonds with approved sureties, they must pay \$1 per ton, but may take all they require. If hauled by our own people and sold to them for same purpose, and they comply with like conditions, they need pay no license.

*Acting Attorney General.*

[Enclosure 11 in No. 44.]

*Department of Marine and Fisheries—Fisheries Protection Service.*

METEOROLOGICAL OFFICE,

TORONTO, 3rd December, 1890.

*(Letter to Lieut. A. R. Gordon, 6th December, 1890, Lb. 62, p. 656.)*

Hon. C. H. TUPPER, M.P.,

Minister of Marine and Fisheries.

SIR,—I have the honour to forward herewith a petition addressed to you by Henry Dicks, of Murray Harbour, Prince Edward Island, and I ask your favourable consideration for the prayer of his petition.

The case is fully set out in the petition and accompanying documents, and I beg to offer thereon the following remarks:

The schooner "Hattie" leaves a Canadian port to fish in British waters in Newfoundland, her catch being intended for sale, salted in the Dominion, she carries salt and empty barrels. She is entered at a customs house at Channel, and the collector demands duty on the salt and barrels in the ship, which, after protest, is paid, because vessel is not allowed to clear till the money is paid.

The petitioner then fishes in partnership with a Newfoundland vessel, when a still further claim is made on the Canadian vessel, that she shall take out a license. The vessels have meanwhile got a large quantity of herring trapped in the large seine, which they are engaged in salting and saving as fast as the few hands they carry are able to do the work. The Canadian vessel is then seized, and a constable put in charge. A first license is taken out, which is held to be insufficient by a second customs officer, and the vessel is again seized, and compelled to pay one dollar per ton license fee. The delays arising thus caused great loss to the petitioner. His seine was tripped and three hundreds barrels of herring set free, and instead of making two successful trips he did not get a full load.

I consider the loss of the three hundred barrels herring equivalent to a loss of \$1,200, and this with the harrassment which the petitioner suffered at the hands of the officers of the Newfoundland government could not be compensated properly for a less sum than the \$2,000 which the petitioner claims.

The man is only a poor fisherman, and is not able to take the necessary legal steps to defend his own rights or recover damages, and as he apparently endeavoured in every particular to comply with the local laws, his case is one which, I think, the government may fairly take up in the general interests of our fishermen, for this is not an isolated case, and there is a very strong feeling among the fishermen on our coasts that Newfoundlanders have every privilege on our shores, whilst, when they visit Newfoundland, they are regarded as foreigners, and treated in a directly hostile manner.

I have heard of many cases in which our fishermen have more or less suffered at the hands of the Newfoundland officials, but this is the only one in which I have been able to get the statement put into shape for action. If further evidence is desirable, the statement of the party fishing with Captain Dicks can be obtained.

In conclusion, I ask your favourable consideration for the prayer of the petition, as, knowing the petitioner personally, I have every faith in the accuracy of his statement.

I have, &c.,

ANDREW R. GORDON.

**No. 45.**

METEOROLOGICAL OFFICE,

TORONTO, 4th January, 1891.

Lieut.-Col. TILTON,  
Deputy Minister of Fisheries,  
Ottawa.

SIR,—In further reference to my letter of 3rd December, 1891, transmitting the petition of Henry Dicks, of Murray Harbour, I now forward herewith the further declaration of Adam Power, of Channel, Newfoundland.

Mr. Mackinnon, a barrister, of Georgetown, P.E.I., who has carefully looked into the case, writes me as follows:—

"It seems clear from the proclamation of the governor of Newfoundland on the 2nd April, and from the Bait Act, that the license obtained from Mourant, countersigned by the colonial secretary, should have protected Captain Dicks from further annoyance and consequent loss."

So far as I am able to judge, I think the above opinion is thoroughly sound, and as Mr. Dicks really lost his summer's work, I trust he will obtain compensation.

I am, sir, your obedient servant,

ANDREW R. GORDON.

**No. 46.**

*Sir Julian Pauncefote to Lord Stanley of Preston.*

WASHINGTON, 15th January, 1891.

His Excellency  
The Governor General,  
&c., &c. &c.,

MY LORD,—In accordance with instructions which I have received from the Marquis of Salisbury, I have the honour to transmit to your excellency the enclosed copy of a draft convention to improve commercial relations between the United States and the colony of Newfoundland, which was communicated to me on the 6th inst. by Mr. Blaine, as showing to what extent and on what conditions the government of the United States are willing to enter into an arrangement of the kind proposed by the government of Newfoundland in the month of October last.

I have, &c.,

JULIAN PAUNCEFOTE.

[Enclosure 1 in No. 46.]

*CONVENTION between Great Britain and the United States of America for the improvement of commercial relations between the United States and Her Britannic Majesty's colony of Newfoundland.*

The governments of Great Britain and the United States desiring to improve the commercial relations between the United States and Her Britannic Majesty's colony of Newfoundland have appointed as their representative plenipotentiaries and given them full powers to treat and conclude such convention, that is to say:—

Her Britannic Majesty on her part has appointed Sir Julian Pauncefote, and the President of the United States has appointed on the part of the United States, James G. Blaine, Secretary of State.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:—

Art. 1.—United States fishing vessels entering the waters of Newfoundland shall have the privilege of purchasing herring, caplin, squid and other bait fishes, at all times on the same terms and conditions and subject to the same penalties in all respects as Newfoundland vessels.

They shall also have the privileges of touching and trading, selling fish and oil, and procuring supplies in Newfoundland, conforming to the harbour regulations, but without other charge than the payment of such light, harbour and customs dues as are or may be levied on Newfoundland fishing vessels.

Art. 2.—Dry codfish, cod oil, seal skins, herrings, salmon, trout and salmon trout, lobsters, eel roes, tongues and sounds, the product of the fisheries of Newfoundland, shall be admitted into the United States free of duty.

Also all hogsheads, barrels, kegs, boxes or tin cans in which the articles above named may be carried, shall be admitted free of duty. It is understood, however, that "green" codfish are not included in the provisions of this article.

Art. 3.—The officers of customs at the Newfoundland port where a vessel laden with the articles named in Art. 2 clears, shall give to the master of such vessel a sworn certificate that the fish shipped were taken in the waters of Newfoundland, which certificate shall be countersigned by the consul or consular agent of the United States and delivered to the proper officer of customs at the port of destination in the United States.

Art. 4.—When this convention shall come into operation, and during the continuance thereof, the duties to be levied and collected upon the following enumerated merchandise imported into the colony of Newfoundland from the United States shall not exceed the following amounts, viz.:—

Flour, 25 cents a barrel.

Pork, 1½ cents per pound.

Bacon, hams, tongues, smoked beef and sausages, 2½ cents per pound, or \$2.50 per 112 pounds.

Beef, pigs' heads, hocks and feet, salted or cured, ½ cent per pound.

Indian meal, 25 cents per barrel.

Oatmeal, 30 cents per barrel of 200 pounds.

Pease, 30 cents per barrel.

Bran, Indian corn and rice, 12½ per cent. *ad valorem*.

Salt in bulk, 20 cents per ton of 2,240 pounds.

Kerosene oil, 6 cents per gallon.

The following articles, imported into the colony of Newfoundland from the United States, shall be admitted free of duty:—

Agricultural implements and machinery, imported by agricultural societies for the promotion of agriculture, crushing mills for mining purposes, raw cotton, corn for the manufacture of brooms, gas engines, when protected by patent, ploughs and harrows, reaping, raking, ploughing, potato-digging and seed-sowing machines, to be used in the colony, printing presses and printing types.

Art. 5.—It is understood that if any reduction is made by the colony of Newfoundland at any time during the term of this convention in the rates of duty upon the articles named in Art. 4 of this convention, the *said reduction* shall apply to the United States.

Art. 6.—The present convention shall take effect as soon as the laws required to carry it into operation shall have been passed by the congress of the United States, on the one hand, and by the imperial parliament of Great Britain and the provincial legislature of Newfoundland on the other hand. Such assent having been given, the convention shall remain in force for five years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of five years, or at any time afterwards.

Art. 7.—This convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington on the first day of February, 1891, or as soon thereafter as practicable.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done in duplicate at Washington this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and \_\_\_\_\_

#### No. 47.

*Colonial Office to Governor General.*

(Cypher.)

23rd January, 1891.

Her Majesty's government have given fullest consideration to representations of Canada against proposed Newfoundland convention. As Canadian negotiations with United States could not even in despite of absence of further delay arising from dissolution of Dominion parliament be commenced before March, and may not be carried (?) this year, Newfoundland interests should not be indefinitely postponed. Newfoundland ministers informed me that they are willing to negotiate for an arrangement with Canada on a basis similar to that of proposed convention with the United States. Her Majesty's government strongly hope that your government will on this understanding withdraw opposition to ratification of convention between Newfoundland and United States.

SECRETARY OF STATE.

#### No. 48.

*Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 26th January, 1891.*

On a report dated 20th January, 1891, from the minister of marine and fisheries, submitting with reference to a minute of council of 31st December, 1890, relative to Mr. Henry Dicks for compensation for alleged illegal treatment by the customs authorities of Newfoundland, for the information of your excellency, further correspondence on the same subject, and recommending that it be brought to the notice of the government of Newfoundland.

The committee advise that your excellency be moved to communicate the enclosed information to the governor of Newfoundland.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
Clerk, Privy Council.



[Enclosure 1, in No. 48.]

DOMINION OF CANADA,  
Province of Prince Edward Island.)

In the matter of the application of Henry Dicks, of Murray Harbour, in Prince Edward Island, mariner and fisherman, for redress for wrongful treatment at the hands of the officials of the Newfoundland government.

Kings County,

To wit :

I, Adam Power, of Channel, in the colony of Newfoundland, master mariner, do solemnly declare that I know and am well acquainted with Henry Dicks, of Murray Harbour, in Prince Edward Island, for 12 or 13 years.

That I am master of the schooner "Harry Mathers," of Barrington, Nova Scotia, and also owner; and I reside, when home from sea, at Channel aforesaid.

That about the 5th or 6th day of August last, the said Henry Dicks telegraphed from Burnt Islands to me at Channel to come on with my said schooner to Burnt Islands and take from his seine a surplus quantity of herring, and I immediately proceeded after I got my supplies aboard; and on the 8th of that month went to Burnt Islands. When I arrived Captain Dicks came on board and told me his seine had been tripped and herring were all gone from the seine. That I went on board his schooner and found the officer of the customs in charge of his vessel.

That Captain Eastman, of schooner "Annie C." was by and told me the seine was tripped, and also said that there was a big haul of herring in the seine the day before, five or six hundred barrels, and that they had taken out only 130 barrels. That about a fortnight after, I met Captain Dicks at Channel and he then told me the officer, Farnaux, had detained him 12 days at Burnt Islands. That I helped him cooper up some of his herring, and saw that they were damaged by having been open to the weather too long, and that their sale would be spoiled by the delay. That Captain Dicks told me he could not cooper them up on account of the officer having charge. That on the 100 barrels I consider his loss would be equivalent to \$500 or thereabouts, as herrings were worth then five and six dollars a barrel, as his salt was used in them and the expense of taking so many bad herrings out of the barrels could not pay for the trouble and the expense. That he was detained at Channel about a week, and was put to a great deal of trouble owing to Captain Maurant advising one way and the other government officials acting otherwise, and I consider that he has been unfairly and unlawfully dealt with by the preventive officer and other officials of the said government; and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the act respecting judicial oaths.

ADAM POWER.

Declared before me at Georgetown, in King's  
county, Prince Edward Island, this 20th  
day of November, A. D. 1890.

D. A. MACKINNON,  
Notary Public for Prince Edward Island.

#### No. 49.

Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council on the 29th January, 1891.

The committee of the privy council have had under consideration a despatch dated the 15th January, 1891, from Her Majesty's minister at Washington, accompanied by the copy of a proposed convention between Great Britain and the United States for the

improvement of commercial relations between the United States and the colony of Newfoundland, and also the telegram from the right honourable the secretary of state for the colonies to your excellency dated the 23rd January instant.

The sub-committee of council, to whom the despatch and enclosures were referred, report as follows:—

The reasons advanced in the minute of council, approved on the 12th December, 1890, referring to the negotiations for a trade and fishery arrangement between the United States and Newfoundland, appear to your excellency's government to be fully as important and pressing now as they were at the date of that minute, and to be as applicable to the present draft convention as to the draft which had then been under consideration.

While those reasons have doubtless been considered by Her Majesty's government, they do not appear to have had attached to them the weight which, in the opinion of your excellency's advisers, they are entitled to, for the despatch of Lord Knutsford, dated the 23rd January instant, merely intimates the inconvenience of delay with regard to the convention proposed for Newfoundland, as though only delay had been asked, and as though objections in point of principle had not been advanced.

Her Majesty's government will doubtless remember that when the protest of your excellency's government against the draft convention which was considered in December last was made known to the principal secretary of state for the colonies, his lordship intimated that if Canada were willing to commence negotiations at once the Newfoundland convention would not be concluded immediately, but that negotiations on behalf of Canada could go on *pari passu* with those regarding Newfoundland.

Your excellency's government at once assented to the propriety of this course, and announced their willingness to commence negotiations at once, with the sanction of Her Majesty's government, only expressing a preference for a formal and official conference under commission, rather than a private and unofficial discussion.

No responsibility for delay rests on your excellency's government. Even the dissolution of parliament, which has been referred to as possible, would not retard negotiations.

The sub-committee feel bound, therefore, to recommend that the government of Canada insist on the importance of the negotiations concerning trade relations with Canada proceeding *pari passu* with those affecting Newfoundland.

The sub-committee observe that an examination of the proposed convention will show that while, as was stated in the minute of council approved in December last, the advantages afforded to the British North American fishermen under the treaty of 1818 would be reduced almost to a nullity, the fishery products of Newfoundland would be admitted to the markets of the United States under such a convention on such terms as to displace very largely the like products exported by the fishermen of Canada to that country.

That the Canadian government has declared its policy to be that no commercial arrangements with a foreign country should be acceded to by Canada which would involve tariff discrimination against the mother country, and this principle has had the approval of Her Majesty's government; but it will be difficult to induce the people of Canada to continue to believe in the importance of that principle as a safeguard to the interests of the empire if Great Britain now makes a convention for Newfoundland under which the United States is able to discriminate directly against Canada.

The sub-committee are of opinion that your excellency's government should press the importance of permitting no discrimination, at least as against any part of British North America, to be made in any trade arrangement with the United States, and should continue to urge the necessity of insistence that in any such arrangement all Her Majesty's provinces in North America shall participate equally.

The sub-committee submit that it seems necessary further to invite close attention to the 5th article of the draft convention. That article seems fairly open to the construction that if the existing rates of duty in Newfoundland on the articles mentioned in article 4 shall be reduced as regards importations from other countries than the United States, the United States shall have a further reduction below that which the convention

fixes as the maximum duties on United States goods of that description. If this is the construction intended, the convention is open to the further objection that it stipulates for a continued preference in the markets of Newfoundland for United States products over those of every other country, involving therefore not only discrimination by the United States in favour of Newfoundland, but by Newfoundland in favour of the United States, and such discrimination would be against Canada and the mother country as well.

The committee concur in the said report of the sub-committee, and request that your excellency be pleased to transmit this minute, if approved, to the right honourable the principal secretary of state for the colonies.

JOHN J. MCGEE,  
*Clerk, Privy Council.*

**No. 50.**

[*Telegram.*]

HALIFAX, N.S., 20th March, 1891.

Hon. C. H. TUPPER,  
Marine Department, Ottawa.

Are Newfoundland bait laws regarding Canadian vessels same as last season? What change, if any? Fishermen enquiring.

JOHN STAIRS.

**No. 51.**

[*Telegram.*]

OTTAWA, 20th March, 1891.

JOHN F. STAIRS, M. P., Halifax.

Think same bait laws in force, but am sending cable for certainty. Our vessels should pay fees demanded, under protest.

CHARLES H. TUPPER.

**No. 52.**

[*Telegram.*]

ST. JOHNS, NFLD., 23rd March, 1891.

Minister Marine and Fisheries,  
Ottawa.

I am directed to inform you that the Bait Act prohibiting supplies of bait to Canadian vessels will be rigidly enforced this season. This notice is given so as to prevent any misunderstanding as to the intention of the Newfoundland government.

COLONIAL SECRETARY.

**No. 53.**

[*Cable.*]

OTTAWA, 26th March, 1891.

Colonial Secretary,  
St. Johns, Newfoundland.

Received following cable purporting come from you. Cable begins: I am directed to inform you that the Bait Act prohibiting supplies of bait to Canadian vessels will be rigidly enforced this season; this notice is given so as to prevent any misunderstanding as to the intention of the Newfoundland government. Signed, Colonial Secretary. Cable ends.

As minute of Canadian government, twenty-ninth May, eighteen hundred and ninety, forwarded your government is unanswered, guarantees of Newfoundland delegates, eighteen hundred and eighty-seven, and of attorney general on behalf Newfoundland government not withdrawn nor expressly repudiated and considering the assurance Mr. Whiteway, in London, last summer, cannot believe cable genuine. Kindly say if so.

CHARLES H. TUPPER.

*Minister of Marine and Fisheries.*

No. 54.

(Telegram.)

Hon. CHAS. TUPPER.  
Message genuine.

ST. JOHNS, NEWFOUNDLAND, 27th March, 1891.

*Colonial Secretary.*

No. 55.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries.

YARMOUTH, N.S., 28th March, 1891.

DEAR SIR,—In conversation with some of our Bank fishermen who are compelled upon entering a port in Newfoundland to pay 24 cts. per ton light dues, and for the privilege of buying bait a further tax of \$1 per ton. I was asked if the department was aware of the fact that every year during the months of May and June there were hundreds of the citizens of Newfoundland who crossed over to the Canadian shore, and there lived and fished for four or five months of the year. If such is the case it would seem a hardship to our fishermen to be compelled to submit to so excessive a tax in Newfoundland when to the citizens of that colony Canada denies nothing. I am writing this at the suggestion of the masters of some of our Bankers.

I am yours,

J. R. KINNEY.

No. 56.

(Telegram.)

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

ST. JOHNS, NEWFOUNDLAND, 28th March, 1891.

Pray explain what you mean in your telegram to colonial secretary by words "considering assurance, Mr. Whiteway in London last summer," quotation ends—I distinctly declined to give any assurance.

WILLIAM WHITEWAY.

No. 57.

(Cable.)

Sir WILLIAM WHITEWAY,  
St. Johns, Newfoundland.

OTTAWA, 28th March, 1891.

Reference was to the following extract, High Commissioner's Report, 6th August last: "Sir William Whiteway said he had only recently learned the engagements made on this question by his predecessors, and recognized their force, and that so soon as the report of the commission appointed to enquire into the whole matter was

received, he would do what he could to meet the difficulty, and that the season was nearly over for this year. He said we all recognized the importance of having the most cordial relations between Newfoundland and Canada." Quotation ends. This account corroborated by Sir John Thompson.

CHARLES H. TUPPER.

No. 58.

(Cable.)

OTTAWA, 28th March, 1891.

Sir WILLIAM WHITEWAY,  
St. Johns, Newfoundland.

MY DEAR SIR WILLIAM WHITEWAY,—I have duly received your cable message of this date, which reads as follows :—"Pray explain what you mean in your telegram to colonial secretary by words 'considering assurance Mr. Whiteway in London last summer'. Quotation ends." I distinctly declined to give an assurance.

On the 26th March, I had sent the following cable to the colonial secretary of your government :—

"Received following cable purporting to come from you. Cable begins: 'I am directed to inform you that the Bait Act prohibiting supplies of bait to Canadian vessels will be rigidly enforced this season. This notice is given so as to prevent any misunderstanding as to the intention of Newfoundland government. Signed, Colonial Secretary.' Cable ends. As minute of Canadian government, twenty-ninth May, eighteen hundred and ninety, forwarded your government is unanswered, guarantees of Newfoundland delegates, eighteen hundred and eighty-seven, and of attorney-general on behalf Newfoundland government not withdrawing nor expressly repudiated, and considering the assurance Mr. Whiteway in London last summer, cannot believe cable genuine. Kindly say if so."

Permit me, first of all, to apologize for the mistake made by me, on the spur of the moment, in referring to you as "Mr. Whiteway."

In reply to my cable of the 26th March, I received to-day from the colonial secretary a message dated the 27th March, stating: "Message genuine."

In reply to your enquiry as above, I have cabled you to-day as follows :—"Reference was to following extract, High Commissioner's Report, sixth August last"—"Sir William Whiteway said he had only recently learned the engagements made on this question by his predecessors, and recognized their force, and that so soon as the report of the commission appointed to enquire into the whole matter was received, he would do what he could to meet the difficulty, and that the season was now nearly over for this year. He said well recognized the importance of having the most cordial relations between Newfoundland and Canada"—quotation ends. "This account corroborated by Sir John Thompson."

I also enclose copy of the High Commissioner's Report, to which my cable refers, in full.

I need not add how much I regret to observe from the above communications the want of that cordiality which has hitherto existed in the relations between Canada and Newfoundland.

I sincerely hope that after further communication and consultation, our relations may become as pleasant as ever.

It may be out of place for me directly to interrogate you as to your reasons for assuming the attitude apparent from the correspondence we have had.

I cannot help adding, however, to my letter which covers the cable messages that have passed between us, an expression of the hope that my colleagues may soon be in possession of your reasons for pursuing the course adopted touching the Bait Act.

I am, dear Sir William Whiteway,

Yours faithfully,

CHARLES H. TUPPER.

## No. 59.

(Telegram.)

ST. JOHNS NEWFOUNDLAND, 30th March, 1891.

To Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

I fail to see that language in your telegram to-day contains assurance conflicting with action this government in matter Bait Act; referring to engagements made by my predecessors—pray remind high commissioner my protest against Canadian interference to prevent Her Majesty's assent. I quite appreciate desirability preserving cordial relations with Canada, and upon reasonable proposals will willingly do what I can to meet difficulty; but greatly regret your government's recent action in matter United States convention evidencing hostility—not cordiality—to Newfoundland.

WILLIAM WHITEWAY.

## No. 60.

(Telegram.)

PHILADELPHIA, 2nd April, 1891.

Hon. C. H. TUPPER, Ottawa.

Ask Sir James Winter cable you number fishing licenses issued Newfoundland under *modus* for different years.

CHARLES TUPPER.

## No. 61.

(Cable.)

OTTAWA, 2nd April, 1891.

Sir JAMES WINTER, St Johns, Newfoundland.

Please cable number licenses issued Newfoundland *modus vivendi* each year.

CHARLES H. TUPPER.

## No. 62.

DEPARTMENT OF FISHERIES,  
OTTAWA, 3rd April, 1891.

J. R. KINNEY, Esq.,  
Inspector of Fisheries,  
Yarmouth, N. S.

SIR,—I beg to acknowledge the receipt of your letter of 28th ultimo, stating that "every year during the months of May and June there are hundreds of the citizens of Newfoundland who cross over to the Canadian shore and there live and fish for four or five months of the year;" and to request you to please give further particulars as to the particular shores visited by these people.

I am, sir, your obedient servant,

JOHN TILTON,  
Deputy Minister of Fisheries.

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**No. 63.**
*(Cable.)*

ST. JOHNS, Nfld., 6th April, 1891.

Hon. C. H. TUPPER, Ottawa.

Unable to procure information you ask immediately. Government forbid officials furnish.

WINTER.

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**No. 64.**
*(Telegram.)*

LUNENBURG, N.S., 7th April, 1891.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Reported here that Newfoundland refuses bait to Dominion fishermen. Our vessels ready to sail, and skippers would like to know what action, if any, has been taken by government in their interest; wire reply immediately.

W. A. LETSON,  
*Ed. Argus.*

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**No. 65.**
*(Telegram.)*

YARMOUTH, N.S., 7th April, 1891.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Telegrams from our fishing captains say Newfoundland government prohibits Canadian vessels getting bait. Vessels coming back without any, as there is no bait on our own shore now. This prohibition means ruin to our Bank fisheries. You are probably aware that Newfoundland merchants send thousands of men to the Labrador shore and fishing grounds every year; in fact fully one-half their fish are caught in Canadian waters with the Canadian shore as a base of operations. In view of these facts cannot our government induce Newfoundland to revoke this outrageous prohibition.

PARKER, EAKINS & CO.  
A. F. STONEMAN & CO.  
H. & N. B. LEWIS.

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**No. 66.**
*(Telegram.)*

OTTAWA, 8th April, 1891.

PARKER, EAKINS & Co.,  
Yarmouth, N. S.

W. A. LETSON,  
Lunenburg, N. S.

Telegram received; Canadian government long ago urged Newfoundland to suspend operation of Bait Act against our fishing vessels. Have recently sent a delegate to further press the subject to a favourable conclusion. We have placed the case before imperial authorities as well.

CHARLES H. TUPPER.



## No. 67.

ST. PIERRE, Miq., 10th April, 1891.

Minister Marine and Fisheries,  
Ottawa.

Newfoundland government refused to give us bait under any conditions, which will be great loss to us. Please advise to protect us. Answer.

RUFUS HINES, CAPT.,  
Schooner "Donald Cann," of Yarmouth.

## No. 68.

[Telegram.]

OTTAWA, 10th April, 1891.

CAPTAIN RUFUS HINES,  
Schooner "Donald Cann,"  
St. Pierre, Miquelon Island.

Canadian government has for some time been endeavouring with the British and Newfoundland governments to prevent injury to which you refer; a special delegate is now in communication with both governments on the subject.

CHARLES H. TUPPER.

## No. 69.

Sir T. O'Brien to Lord Stanley of Preston.

GOVERNMENT HOUSE,  
ST. JOHNS, Nfld., 10th April, 1891.

The Governor General,

MY LORD,—With reference to your lordship's despatches of the 10th and 30th January last, forwarding for the consideration of my ministers copies of the minutes of the privy council of Canada, dealing with the petition of Mr. Henry Dicks for compensation for alleged illegal treatment by the customs officers of this colony, I have the honour to forward herewith a copy of a letter from the colonial secretary, from which your lordship will observe that my government decline to consider any claim for compensation, as they hold that Mr. Dicks was violating the local laws when the alleged acts took place.

I have, etc.,  
T. O'BRIEN, Lt.-Col.,  
Governor.

[Enclosure 1 in No. 69.]

COLONIAL SECRETARY'S OFFICE, ST. JOHNS, 9th April, 1891.

Cecil Fane, Esq., Private Secretary.

SIR,—In reference to despatches from the Governor General of Canada, of the 10th and 30th January last, herewith returned, communicating copies of the minutes of the privy council of Canada in support of a claim of Mr. Henry Dicks, of Prince Edward Island, requesting compensation for certain alleged grievances suffered by him at the hands of the Newfoundland customs officials, I am to say that the government consider that there are no grounds for the claim set up by Mr. Dicks, as if he did suffer loss, it was consequent upon a breach of the local laws.

I have, &c.,  
R. BOND,

Colonial Secretary.

23c to 23A—54

**No. 70.***Re Dicks.*

GEORGETOWN, P.E.I., 14th April, 1891.

Capt. A. R. GORDON, R.N.,  
 Meteorological Office, Toronto.

DEAR SIR,—In this matter has the minister of marine been able to secure compensation for the loss sustained by applicant? Mr. Dicks has been expecting results and asks me what progress is made. Delay no doubt was caused by general election. Has the Newfoundland government refused to make enquiry into the facts of the case; or if such enquiry has been made, on what grounds do they neglect making good the damage? This special case seems strongly in favour of applicant and there should be very little trouble in coming to a settlement—the only point about which there may be dispute would seem to be as to the amount of damages.

Mr. Dicks claims that the duty he paid should be refunded with compensation for the damages caused him.

After obtaining a clearance, all duty paid, and holding a license from the sub-collector of customs, countersigned by the colonial secretary to haul herring for exportation, how can the Newfoundland government justify the seizure of Mr. Dicks' schooner and the arrest of his person for acting under their license?

Recently from press accounts the government of Newfoundland does not seem to be in the best of temper. Is any arrangement come to with them regarding the fisheries for the coming season?

A report of how matters stand will oblige.

Yours sincerely,

D. A. MACKINNON.

**No. 71.**

[Telegram.]

OTTAWA, 14th April, 1891.

To Collector Customs at Halifax, N.S.

Send list as complete as possible of all Canadian vessels belonging to your district which took out licenses in Newfoundland last year to purchase bait, the amount paid in each case and by whom; names of owners and names of masters of vessels to be stated.

JOHN TILTON, D.M.F.

**No. 72.**

*COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 21st April, 1891.*

The committee of the privy council have had under consideration the annexed report dated 17th April, 1891, of the minister of marine and fisheries with reference to the fishery interests of Canada.

The committee, concurring in the said report and the recommendation therein contained, submit the same for your excellency's approval.

JOHN J. MCGEE,  
 Clerk, Privy Council.

[Enclosure 1 in No. 72.]

DEPARTMENT OF FISHERIES, CANADA,  
17th April, 1891.To His Excellency  
The Governor General in Council.

The undersigned has the honour to advert to circumstances of grave importance to the fishery interests of Canada.

Your excellency will recollect that in 1887, the Canadian government learned with surprise that it had been proposed in the provisions of a bill of a legislature in a British colony to exclude subjects of Her Majesty, residing in Canada, from their supply of bait in that colony, either by purchase or by catch, and to exclude Canadian fishermen upon the coast of Labrador from the right to catch herrings, and to trade in these fish there, and generally on the coast of Newfoundland to obstruct Canadian vessels in the trade of bait fishes.

Against this proposed legislation the Canadian government most earnestly protested. It has not been deemed necessary in past reports to dwell upon the constitutional question involved in an attempt by a colonial legislature in the British empire to exclude British subjects from their right to fish in British waters on terms of equality. It was considered sufficient by your excellency's government to point out the grave consequences threatened by the proposed act to thousands of British subjects in a neighbouring colony, and the peril in which an enormous industry would be involved by the allowance of this legislation.

This legislation known as the "Bait Act of 1887" was reserved for royal assent. It became the subject of discussion between the Canadian government and that of

Her Majesty. The representations of the Canadian government were in 1887 communicated by Her Majesty's government to the government of Newfoundland.

It has already been shown that ample assurances were at that time obtained from the Newfoundland authorities in precise terms, that this legislation was not intended to, nor would it curtail the privileges of British fishermen.

Pledges, solemn, formal and distinct, on behalf of the government of Newfoundland, were promptly conveyed that Canadian fishermen should enjoy equal privileges with those of Newfoundland.

Upon these assurances Her Majesty was advised to assent to the bill.

In 1889 the legislature of Newfoundland passed an act, entitled: "An act to amend and consolidate the laws relating to the importation and sale of bait fishes."

This act was proclaimed on the 3rd day of April, 1890. It includes the provisions of the act of 1887.

It prohibits the export, catch, purchase, or having in possession any bait fishes for the purpose of exportation from Newfoundland.

Provision is made for the granting of licenses for the above purposes under the authority of the governor in council.

Extraordinary penalties and imprisonment follow the fishing for, or having possession of herring, caplin, squid or other bait fishes in the bays and harbours, or other places in Newfoundland.

Under the fourth section the operation of the act may be suspended or limited by the governor in council.

In 1889, the act, according to the understanding to which reference is made, was not enforced against British subjects, but in 1890 the colony of Newfoundland, notwithstanding the specific assurances to the contrary, compelled Canadian vessels under the provisions of this legislation to pay a heavy tax equal to \$1 on each ton of the ship's tonnage, for the privilege of buying bait in Newfoundland ports, upon limited occasions.

Touching the nature of the pledges upon which the Canadian government had previous to last year implicitly relied, reference may again be made to Sir Ambrose Shea, who, speaking for Newfoundland, said in a despatch to the colonial office, 27th April,

1887: "Such an enactment was necessarily framed in general terms to avoid the declaration of its specific bearing on foreigners, which on international grounds might have raised difficulties to its acceptance by Her Majesty's government. But I feel the Dominion government has no real ground for its opposition, from which it will at once recede when authorized assurances are given that in carrying out the law *no supposed ambiguity will be allowed to operate to the prejudice of Canada's fishermen with whom we have common rights on the coasts of the Dominion.*" (The italics are those of the undersigned.)

And further on he says:—"It must, I submit, be manifest that the course taken by the Dominion government has arisen from a complete misapprehension of the views and purposes of the Newfoundland legislature, and while I should regret if they could be justified in their conclusion of such unfriendly legislation, I feel Her Majesty's Government will be satisfied that such impressions are unfounded, and moreover are fully explained away by our statement of the aims of the act and *its assured uniform application to all British subjects.*" \* \* \* \* \*

(The italics are those of the undersigned.)

On the same day, Sir Robert Thorburn, K.C.M.G., to whom the Canadian remonstrance was also referred, wrote as follows to the colonial office:—

"I respectfully submit that the objections raised are entirely untenable and cannot be found on grounds other than entire misconception of the scope and intention of the measure, which so far from prejudicially affecting the interests of Canadian fishermen must materially assist the success of their operations in curtailing the competition of foreign fishermen, firstly in procuring the essential supply of bait."

The attorney general of Newfoundland went on to say that no difficulty would arise in procuring the license required by the act, as it was unlikely that regulations would be imposed that would hamper the operations of Newfoundland fishermen to an equal, if not a greater degree than those of their neighbours, and he enclosed copies of cablegrams as follows:—

"To Attorney General:—Canadian government evidently misunderstood scope and intention of our Bait Act. Assure them promptly by telegraph that their fishermen will enjoy equal privileges with our own, and that practically there will be no restrictions on bait supply of any British subject—Thorburn."

"To Sir Chas. Tupper, Ottawa:—Your fishermen are on same footing as ours under Bait Bill, and no practical impediment in way of either. Our government will give any required guarantee that this is our reading of the act: Advise colonial office as soon as possible that this explanation is satisfactory.—Thorburn. Shea."

The right honourable the secretary of state for the colonies, in his despatch of 20th May, 1887, after stating that he had caused the minute of Canadian privy council, dated 11th April, 1887, with its enclosures, to be referred to the Newfoundland delegates, said:—"The explanation given by Sir R. Thorburn as to the scope of the measure and his assurance as to the manner in which it will be worked appeared to Her Majesty's government to offer sufficient safeguards for Canadian interests, and they did not therefore hesitate to advise Her Majesty to assent to it."

The undersigned again submits that it was upon these assurances, and upon these alone, so unreservedly given by the Newfoundland government, that Her Majesty's government was induced to recommend royal assent to the legislation then under consideration. If any question or doubt could possibly arise regarding the intention of the Newfoundland authorities when conveying these assurances, it is dispelled by the cablegram from the then attorney general of Newfoundland to the then minister of marine and fisheries, dated 20th April, 1887, sent for the express purpose of removing Canadian objections and with a view of promoting royal assent in the following words:—

"We learn with surprise and regret your government apprehend our Bait Act will interfere with Canadian fishermen. I am authorized give you fullest assurance no interference or hindrance whatever of Canadian fishermen contemplated. Act necessarily framed so as to confer upon governor discretionary powers in granting licenses to sell or

export bait: our only object being to prevent supply to foreign subsidized rivals. Fulllest rights and privileges of all British fishermen to take or purchase for their own use as hitherto enjoyed will be maintained. Please communicate this information to your representative or agents in London, to remove objection our act and promote royal assent."

(The italics are those of the undersigned.)

Against the conduct of the government of Newfoundland, your excellency's ministers have earnestly protested without effect—without even a reply from the government of that colony.

The facts set out in the above despatches have been before the present administration of the government of Newfoundland for almost a year.

The only apparent result of a reminder of the solemn pledges given by the Newfoundland government to Canada, and to Her Majesty's government, that the bait legislation would not affect Canadian fishermen to any greater extent than those in Newfoundland is the summary and sudden enforcement of this act against Canadian fishermen, and the exemption from its provisions of United States fishermen at the same time. This is all the more remarkable in the light of Lord Knutsford's despatch of 9th July, 1890, to your excellency, covering an extract from a minute of council (Newfoundland) of 20th June, 1890, communicated to him by Sir Terrence O'Brien. This extract reads as follows:—"On consideration of telegrams received from several customs officers relating to the supply of caplin bait to foreign vessels, it was resolved that the following instructions be telegraphed to all customs officials:—From this date vessels requiring caplin or squid may, instead of paying tonnage license, obtain a license to purchase the particular quantity of bait they require by paying a license fee, calculated at the rate of \$1 per barrel, but no vessel to take more than 40 barrels. You will observe that by the foregoing system vessels may enter as often as they require. Those vessels preferring to take bait under present system can do so." It is necessary to remark in passing that even the modification quoted in no way met the objections of your excellency's government previously urged.

The undersigned desires to refer to the interview between the high commissioner for Canada, and the Honou.able Sir John Thompson, and Sir Wm. Whiteway, the Premier of Newfoundland, and Mr. Emerson, Speaker of the House of Assembly of that colony, held in London on the 5th August, 1890, detailed in the high commissioner's despatch of 6th August, 1890, to the prime minister of Canada.

The high commissioner reported:—"Sir Wm. Whiteway said he had only recently learned the engagements made on this question by his predecessors, and recognized their force, and that as soon as the report of the commission appointed to enquire into the whole matter was received, he would do what he could to meet the difficulty, and that the season was now nearly over for this year. He said we all recognize the importance of having the most cordial relations between Newfoundland and Canada."

Notwithstanding the reiterated assurances on the part of the Newfoundland authorities that Canadian fishermen would not be affected by the bait legislation, and that they would continue to enjoy equal privileges on the coasts of that colony with the local fishermen as is accorded on the Canadian coasts, it is hardly necessary to say that they were, during last season, notoriously hampered by officials under the Bait Act; license fees were collected, and the masters of vessels subjected to extraordinary treatment.

While the representations of the Canadian government have not been acknowledged by the government of Newfoundland, the undersigned has received an abrupt intimation from the colonial secretary of Newfoundland, by cable, to the effect that the Bait Act will be rigidly enforced against Canada during the coming season. He now learns the extraordinary information contained in the appended newspaper extracts that on no account whatever is bait to be supplied to Canadian fishermen, while every facility is to be afforded those of the neighbouring republic to procure bait free of any government charges.

In this connection, and to further show the gravity of the position, the undersigned appends a telegram received by him from Messrs. Parker, Eakins & Co., A. F. Stoneman & Co., and H. & N. B. Lewis, leading fish merchants of Yarmouth, Nova Scotia, reporting the refusal of bait to Canadian fishermen, and that their vessels are returning for want of same. In this action, it will be observed, they apprehend nothing less than ruin to the Canadian bank fisheries.

The newspaper extracts appended describe the treatment recently received by the Canadian schooner "Ocean Belle," of Halifax, Nova Scotia, Captain Wrayton, master.

It will be observed that Commissioner Sullivan, the senior customs officer of the Newfoundland government on the coast, informed Captain Wrayton that on no condition was bait to be given to Canadians this season, while United States vessels are now permitted to obtain all the bait they require, free of any government charge, in the ports of Newfoundland.

A formal statement of the facts connected with the case of the "Ocean Belle" will be presented to your excellency later on, the undersigned understanding it is now in the course of preparation.

The undersigned has been furnished with a copy of a newspaper published in the state of Massachusetts, the *Cape Ann Advertiser*, wherein are published the "Instructions to magistrates, customs officers, &c., in relation to the enforcement of the Bait Act of 1889."

While from the proclamation referred to in these instructions, it appears that Canadian vessels are prohibited from obtaining under any circumstances bait fishes, it is to be observed that no definite intimation of such a policy being intended or adopted ever reached the Canadian government beyond that contained in the cable from the colonial secretary of the 26th day of March. This proclamation and instructions are now made known to the undersigned through a newspaper published in the fishing district of one of the United States.

The undersigned in considering the extraordinary conduct of the Newfoundland government in enforcing the Bait Act against British vessels while suspending it against foreign fishermen, deems it not out of place to call attention to the utterances of the recognized organ of the present administration at Washington, the *New York Tribune*.

In its issue of 26th November, 1890, when treating upon the negotiations then going on between Newfoundland and the United States, whereby it was proposed that Newfoundland should discriminate in favour of the United States, and against Canada, the following suggestions were made regarding the Bait Act. \* \* \*

"The enforcement of that act is left with the colonial government. It can modify it or suspend it, or apply it to the vessels of one country, and not to those of another, as it pleases. At least, the government has assumed that it possessed this authority, and we have not observed that its view has been in any way challenged, unless by a recent decision of the colonial courts setting aside certain verdicts obtained against American vessels for violations of the act. The significance of this decision has not been revealed in the despatches recording it, but of course Mr. Bond will be able to explain just what it means. If it leaves the government in possession of the authority it has been exercising, the relation Mr. Bond is seeking to bring about would seem to admit of an easy establishment" \* \* \*

" \* \* \* if Newfoundland is prepared to give our fishermen exclusive privileges under the existing Bait Act, it seems to us that reciprocity can be easily and quickly effected without any formal proceeding" \* \* \*

It would from this appear that Her Majesty's government, having, in the interests of the empire, refused to sanction a treaty which proposed to place United States fishermen and United States on a favourable footing in Newfoundland markets and in British waters surrounding that island, to the detriment and exclusion of British subjects, and contrary to terms of the treaty of 1818, the government of that colony now seeks to bring about those relations with the United States in the indirect manner suggested by the *Tribune*.



It may further be observed that the conduct on the part of the present government of Newfoundland is such that a leading organ of public opinion in New York is forced to denounce it, although it is attempted in the interest of the citizens of that country. An article from the *New York Times* is appended to this report.

It has been shown that in May, 1890, a full statement of the pledges given by the government of Newfoundland, that the bait legislation would not be used or employed to the detriment of Canada, was presented to that government.

The only result of this reminder is a further and more dangerous violation of the pledges made. Should the government of that colony further persist in disregarding the assurances upon which Her Majesty's government was pleased to assent to legislation of the peculiar character now under review, the undersigned has the honour to recommend that your excellency be moved to urge upon Her Majesty's government the necessity of procuring legislation by the imperial parliament for the repeal of the Newfoundland Bait Act.

Considering the absence of bait fishes on the Canadian coast this season of the year, and the great number of Canadian fishing vessels now fitted out and manned, but unable to proceed to the Bank fishery for want of bait procurable in Newfoundland, the undersigned has the honour to further recommend that your excellency be moved to communicate by cable the purport of this report, if approved, to Her Majesty's government, so that advantage may be taken of the presence of the premier of Newfoundland, who is now in London, to relieve, if possible, the Canadian bank fishermen from intense financial distress.

Respectfully submitted,

CHARLES H. TUPPER,

*Minister of Marine and Fisheries.*

[Enclosure 2, in No. 72.]

#### APPENDIX "A."

(*The Morning Herald*, Saturday, 4 April, 1891.)

#### IS IT RETALIATION ?

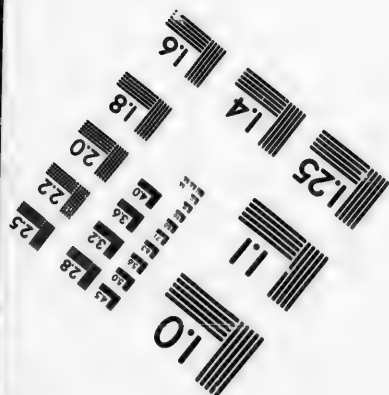
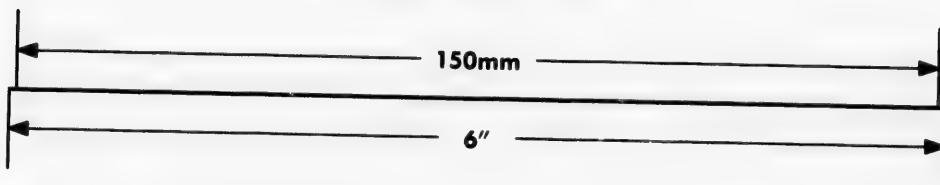
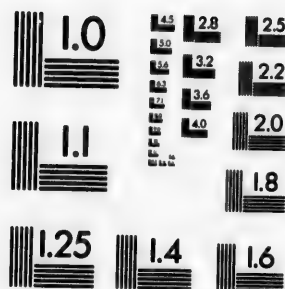
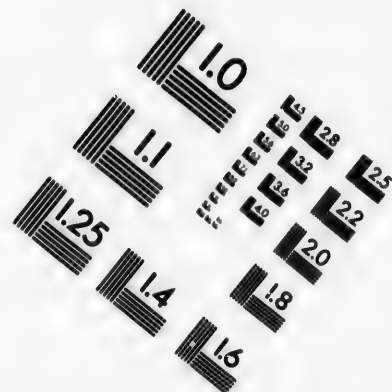
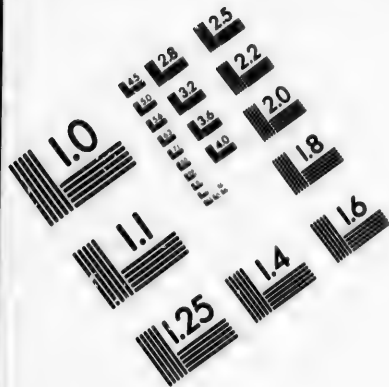
OUTRAGEOUS TREATMENT OF A HALIFAX CAPTAIN, BY NEWFOUNDLAND CUSTOMS OFFICIALS—  
THEY REFUSE TO ALLOW HIM TO OBTAIN A CARGO OF HERRING—NO BAIT  
IN NEWFOUNDLAND WATERS FOR CANADIAN VESSELS.

The schooner *Ocean Belle*, Captain Wrayton, arrived yesterday from St. Jacques, Fortune Bay, Nfld., after a passage of 55 hours, 8 of which were consumed in passing through ice. He relates a remarkable experience of the tyrannical conduct of Newfoundland government officials. A *Herald* reporter called upon Captain Wrayton last night to ascertain the facts. He has, for the past two or three years, gone to Fortune Bay to purchase fish for disposal in this market. He had always conformed to the local requirements and had never been molested. The *Ocean Belle* reached Fortune Bay on March 17th, and between that time and the 24th, had secured 300 barrels of herring. On the 25th, he had concluded a bargain with Captain Patrick Farrell for the purchase of 250 barrels more, which would have completed his cargo, when the government boat *Greyhound* with Customs Collector Hubert appeared on the scene. Captain Wrayton was sent for and informed that he would be allowed to take no more fish. This was in consequence, the officers said, of instructions from St. Johns. Everybody was prohibited from selling herring. Policemen were put on board Farrell's vessel, which lay alongside the *Greyhound*, to see that these orders were carried out. The next day Collector Hubert ordered Farrell's fish to be thrown overboard, to make sure that it should not be sold to Wrayton, and alleging that it was illegal to have it in his possession. The arbitrary measures were enforced, the officials said, in accordance with instructions from headquarters, though they did not furnish any documents. Captain Wrayton





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asked for a written statement from the officials that they had refused to allow him to prosecute his business, but they were careful not to give anything of the kind. They would assign no reason for their action, but merely reiterated the order that under no circumstance could he obtain the fish. This, in view of the fact that he had furnished the required bond for \$1,000 that the fish he purchased would not be disposed of in St. Pierre. Captain Wrayton could not believe that those officers were acting legally, and left Belloram for East Bay to endeavor to get his cargo filled up. Soon after his arrival there Commissioner Sullivan came after him in the steamer *Piona* and boarded the *Ocean Belle*, asking the captain what he was after. He told him that he had secured 300 barrels of frozen herring for Halifax and that he needed 250 more to complete his cargo. Commissioner Sullivan's word is law in those regions. He acts as though he were both government and court, and he positively refused to allow him to obtain a single barrel. He was doubtful, indeed, he said, whether he would allow him to retain what he had already secured. Sullivan put a force of police on the *Ocean Belle* to guard the schooner, while he went to Bay Largent to communicate with the government, telling Captain Wrayton that he would inform him of the decision. He was kept waiting for three days and then could get no satisfaction. Nothing was said, however, of confiscating the 300 barrels he had in the hold. Farrell feels as deeply aggrieved as does Captain Wrayton. It was a clear loss to him of 250 barrels for which he had a willing purchaser. It looks a little as if Sullivan had found that he was going too fast in his conduct. It is evidently simply a case of retaliation against Canadian vessels. The Newfoundlanders profess to think that Canadian influence destroyed Bond's alleged chances for negotiating his reciprocity treaty with the United States; Canadians are accordingly put on the same level with the French; they are to be equally harrassed and closely watched. Commissioner Sullivan said that bait was to be given to Canadians on no condition. He had, he told Captain Wrayton, received telegraphic orders to that effect from St. Johns, and they would certainly be carried out. The injustice of this is the greater when Americans are freely allowed to take all the bait they desire. An instance of this is the case of Parker, Eakins & Co's. Yarmouth schooner. Her captain was informed by the officials that no vessels belonging to the dominion could obtain bait under any circumstances, though the Yankees were given all the facilities they desired, to do so.

Captain Wrayton intends this morning presenting his case to T. E. Kenny, M.P. He thinks he has a good claim against the Newfoundland government for damages, and intends to push his claim.

(*The Empire, Toronto, Monday, 6th April, 1891.*)

#### NEWFOUNDLAND'S ACTION

CAUSES MUCH IRRITATION AMONG NOVA SCOTIA FISHERMEN.

HALIFAX, 5th April.—The action of the Newfoundland government in refusing to permit Canadian vessels to obtain bait in the waters of that colony is causing much irritation among Nova Scotia fishermen and vessel owners. Besides being a piece of spiteful retaliation because of Canada's successful protest against the imperial assent being given to the Bond-Blaine reciprocity treaty, it is a gross breach of faith on the part of the Newfoundland administration with both Canada and England. When Sir William Whiteway, premier of the colony, was in England last year he held a conference in the colonial office with Sir Charles Tupper and Sir John Thompson, representing the dominion government, and in the presence of Lord Knutsford pledged his Government not to enforce the provisions of the bait law against Canada. But Sir William Whiteway is a weak man, and though nominally premier, Mr. Bond appears to be the governing power in Newfoundland. Mr. Bond is naturally very much chagrined because his treaty with Mr. Blaine was blocked by Canada's intervention, and now seeks retaliation by placing Canadian fishermen and vessels at the same disadvantage

that the French fishermen suffer in regard to the purchase of bait; but Newfoundland's treatment of Canada is far worse than its treatment of France. Its only excuse for refusing to permit the French to obtain bait is that the enormous bounties paid by the French government are driving Newfoundland fish out of the Mediterranean markets, and that to supply French fishermen with the one essential to catching those fish is to commit commercial suicide. But Canada, though paying a small bounty, is in no sense a rival of Newfoundland in Mediterranean markets. The most striking feature of Newfoundland's conduct, however, is the fact that, while she refuses bait to her fellow British subjects under any circumstances, she furnishes ample supplies free of cost as regards license fees to alien Americans. While Newfoundland has a perfect right to furnish Americans with bait, she must do the same with Canada. It is stated on authority here that the imperial government will not for a moment permit such a discrimination against subjects of the empire as Newfoundland is now attempting. Great surprise is expressed that Governor O'Brien should permit himself to become such a tool in the hands of his advisers as to consent to such executive action, and a prominent official here expressed the opinion to your correspondent that the governor would undoubtedly receive a severe reprimand from the colonial office, and possibly be recalled. Mr. Bond's object in refusing bait to both Canadians and French, while giving Americans all the privileges of the coast, appears to be three-fold: 1. To annoy both the Canadian and imperial governments with new complications; 2, to secure the whole bait and supply trade of the American fleet to Newfoundland, and incidentally to increase the desire for the annexation of the colony to the republic; and, 3, by this marked manifestation of friendliness to the United States to convince Mr. Blaine that the base of supplies afforded by Newfoundland renders American fishermen entirely independent of the Canadian coast. It is thought by this Mr. Bond hopes to hamper the impending negotiations between the delegates of the dominion government and Mr. Blaine. Captain Wrayton, of the schooner "Ocean Belle," who was detained three days and subsequently ordered to leave Newfoundland waters, will press his claim for damages for losses sustained. His vessel was not a fisherman, but a commercial vessel, and did not require the herring for bait to pursue a fishing voyage, but for commercial purposes. He made oath that he had no intention of selling that bait to the French at St. Pierre, and gave a bond for \$1,000 that he would not do so. He insists that the dominion government immediately cable a strong protest to the imperial government against Newfoundland's action, call upon them to bring the colony back to a common sense policy and press his claim for damages. The action of the people of the west coast of Newfoundland in repudiating the action got up by St. Johns politicians and merchants against the arbitration with France, and pledging themselves to loyally accept the decision of the arbitration, places Sir William Whiteway and his government in a very awkward fix, and will add materially to the difficulties of the delegates who leave St. Johns tomorrow for England.

*(By Telegraph from Halifax.)*

Capt. Michael Wrayton, of the Halifax schooner "Ocean Belle," arrived from Newfoundland lately, gives details of the outrageous treatment experienced at the hands of the Newfoundland authorities, which, if confirmed, will necessarily produce very strained relations between Canada and her sister colony. Wrayton says he had secured 300 barrels of herring at Belloram, and made oath that they were for Halifax, but Collector Hubert, from Harbour Breton, put in an appearance in the bait steamer "Greyhound" and ordered Wrayton not to take any herring on board. Capt. Patrick Farrell offered Wrayton a supply of fish, but he, too, was forbidden to supply the Canadian, and police were placed on Farrell's vessel to prevent his supplying Wrayton. Subsequently Bait Commissioner Sullivan came along in a steamer, and compelled his officials to throw overboard a portion of the cargo of herring that Wrayton already had aboard the "Ocean Belle." The vessel was detained in charge of the police three days, when Wrayton was ordered to leave the Newfoundland coast. Wrayton further states that the captain of a vessel owned by Parker, Eakins & Co., Yarmouth, which put into

St. Jacques for bait, was informed by the officials there that no Canadian vessel would be allowed to obtain bait under any circumstances, while American vessels would get bait free of any government charge.

[Enclosure 3 in No. 72.]

#### APPENDIX B.

(Telegram.)

YARMOUTH, N.S., 7th April, 1891.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Telegrams from our fishing captains say Newfoundland government prohibits Canadian vessels getting bait. Vessels coming back without any as there is no bait on our shore now. This prohibition means ruin to our bank fisheries. You are probably aware that Newfoundland merchants send thousands of men to the Labrador shore and fishing grounds every year; in fact, fully one-half their fish are caught in Canadian waters with the Canadian shore as a base of operations. In view of these facts, cannot our government induce Newfoundland to revoke this outrageous prohibition?

PARKER, EAKINS & CO.,  
STONEMAN & CO.,  
H. & N. B. LEWIS.

[Enclosure 4 in No. 72.]

#### APPENDIX C.

*Cape Ann Advertiser.*

FRIDAY, 10th April, 1891.

#### INSTRUCTIONS FOR MAGISTRATES, CUSTOMS OFFICERS, &C., IN RELATION TO ENFORCEMENT OF "BAIT ACT, 1889."

Under proclamation of the Governor, no exportation, or sale, or purchase, or taking of bait fishes of any sort, is to be permitted without a license.

Licenses of three sorts will be granted: Free of charge to vessels belonging to Newfoundland prosecuting the deep sea fishery to purchase, haul or take bait fishes; one to Newfoundland punt fishermen, free of charge to catch bait for sale to foreign vessels or otherwise; and one free of charge to American vessels to purchase bait.

In all cases of application for licenses (except Newfoundland punt fishermen who catch for sale), the party applying must make an affidavit setting forth all the particulars required to be stated in the license. (*See Bait Act, 1889.*) This affidavit may be made either by the master of the vessel for which the license is applied for, or by the owner, the agent of the owner, or on behalf of the master. Blank forms of these affidavits of each sort are furnished. The affidavits may be made before a magistrate or a customs officer.

You will notice that the licenses have been signed by the colonial secretary, and they must be also signed by the person issuing the licenses, either a customs officer or magistrate.

No license shall be granted except to Newfoundland and United States fishing vessels, and before granting such license the customs officer or magistrate shall require to have produced to him the ship's register in the case of Newfoundland vessels, and in the case of United States vessels the clearance papers from the American customs.

All vessels shall be restricted to eight barrels of herring per dory; to ten barrels of caplin per dory, and to four barrels of squid per dory, and shall be compelled to

take out a new license upon each entry into any port in this colony. A second license to purchase or take herring bait shall not be granted within eighteen days from the date of the previous license, and a second license to purchase or take caplin or squid bait shall not be granted within fourteen days from the date of the previous license.

Upon granting a license to an American vessel, you shall notify the customs officers at all the other ports of entry, by telegram or letter that you granted such license, stating date of issue, so as to prevent such vessel from obtaining a second license within the period stated above.

In the case of a vessel taking bait at your port, you will see that only the quantity named in license is taken aboard.

If a vessel is found supplying bait in contravention of the provisions of this act, the license of said vessel shall be forfeited forthwith.

No American vessel is to be permitted to leave the port where she has baited unless the bait purchased has been iced down.

SECRETARY'S OFFICE, 26th March, 1891.

R. BOND,  
*Colonial Secretary.*

[Enclosure 5 in No. 72.]

#### APPENDIX D.

*The New York Times.*

NEW YORK, THURSDAY, 9th April, 1891.

The indignation expressed by the government and people of the dominion at the reported discrimination of Newfoundland against Canadian fishermen is not difficult to understand. It even seems rather singular when the bait act of last year included dominion fishermen under its restrictions as well as the French and the New Englanders. But that provision, if it did not look particularly neighbourly, could be defended on the ground that Newfoundland felt the need of protecting her bait supply from exhaustion against all comers, and did not rest her restrictions wholly on the score of nationality. As Newfoundland was not a part of the dominion but a distinct British colony, she could, perhaps, in legislating for her own people, include Canadian fishermen among the general class of outsiders. But it is quite a different matter to refuse licenses for buying bait to Canadians and to grant them to Americans, as the despatches from several quarters have lately accused her officials of doing. Such a discrimination against a sister colony may well have caused a protest to be sent to London. Perhaps the favour shown to Americans has been due hitherto to the separate convention with the United States which Newfoundland hoped to be allowed to be arranged; but as to its attitude toward Canadian fishermen, there is evidently room for explanation from the St. Johns government.

#### No. 73.

*Lord Knutsford to Lord Stanley of Preston.*

Governor General

The Right Honorable

The Lord STANLEY of PRESTON.

DOWNING STREET, 23rd April, 1891.

MY LORD,—I have the honour to transmit to you, for the information of your ministers, a copy of a proclamation by the governor of Newfoundland and instructions in connection with the enforcement of the Bait Act for the season of 1891.

I have, &c.,

KNUTSFORD.

NOTE.—The proclamation mentioned in this despatch will be found among the enclosures in order in council 21st November submitting "case."



## No. 74.

OTTAWA, 23rd April, 1891.

D. A. MACKINNON, Esq., Barrister,  
Georgetown, P.E.I., for Mr. Henry Dicks.

SIR,—I beg to acknowledge the receipt of your letter of 14th instant, transmitted to this department by Lieutenant A. R. Gordon, R.N., and to inform you that the application of Mr. Henry Dicks, mariner and fisherman, "for redress for wrongful treatment at the hands of the Newfoundland government" has been brought to the notice of the government of Newfoundland, and that this department is awaiting an answer before proceeding further in this matter.

I am, sir, your obedient servant,

JOHN TILTON,  
Deputy Minister of Fisheries.

## No. 75.

OTTAWA, 2nd May, 1891.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—I beg to hand you herewith two copies of the statement of James Allan, owner of the British schooner "Ocean Belle," showing a loss amounting to \$2,287.50, which Mr. Allan states he has sustained owing to the refusal of the officers of the Newfoundland government to allow the said schooner "Ocean Belle" to procure a full load of frozen herring at Fortune Bay, Newfoundland, in the month of March, 1891.

Will you kindly take such steps in the matter as may seem to you best to recover this amount for Mr. Allan.

Yours faithfully,

T. E. KENNY.

[Enclosure 1 in No. 75.]

NEWFOUNDLAND BAIT ACT *IN RE* BRITISH SCHOONER  
"OCEAN BELLE," OF HALIFAX, N.S.

Statement of loss to James Allen, sole member of the firm of John Allen & Sons, of Halifax, N.S., owners of the British schooner "Ocean Belle," Wrayton master, on her voyage from Halifax, N.S., to Fortune Bay, Newfoundland, showing the loss sustained to said owner through the refusal of the officers of the Newfoundland government to allow them to procure a full load of frozen herring at Fortune Bay, Newfoundland, in the month of March, A.D. 1891.

Capacity of vessel in count.....	350,000
Landed.....	167,000

Short of load.....	183,000
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\* Value, 183,000 herring at  $1\frac{1}{4}$  cents, \$2,287.50.

Canada,  
Provinces of Nova Scotia,  
County of Halifax.

I, James Allen, of the city and county of Halifax, merchant, sole member of the firm of John Allen & Sons, owners of the British schooner "Ocean Belle," do solemnly declare as follows: That the foregoing statement doth contain a true and correct account of my loss by reason of the schooner "Ocean Belle," through her not being allowed to

get herring at Newfoundland as therein stated, and my loss thereby is \$2,287.50, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the act respecting voluntary and extra judicial oaths.

JAMES ALLEN.

Solemnly declared before me at Halifax,  
in the county of Halifax, this 27th  
day of April, A.D. 1891.

J. L. BARNHILL,

A Commissioner of the Supreme and County Courts  
for the County of Halifax.

[Enclosure 2 in No. 75.]

### NEWFOUNDLAND BAIT ACT.

*In re "Ocean Belle."*

Statement of Michael B. Wrayton, master of the British schooner "Ocean Belle," of 68 tons burthen, owned by John Allen & Sons, of Halifax, Nova Scotia.

Left Halifax, N.S., 21st January, 1891, for Fortune Bay, Newfoundland, to procure a cargo of frozen herring; arrived at St. Jacques on the 29th following. Entered vessel at custom house, paid duties and received coastwise clearance from Collector Clinton. Asked him for instructions and if any further papers were necessary for me to procure herring. He answered me, "There is nothing to prevent you securing your load of frozen herring; you can do so, as far as I am concerned. I have no instructions to the contrary."

Left St. Jacques on the 4th of February, sailed to Belloram and other places about the bay in search of herring but secured none until the 16th of March, when we took on board one hundred and seventy-five barrels. On the 20th of March took another lot of sixty barrels. At midnight on the 23rd of March we returned to Belloram. On the 25th purchased from one Patrick Farrell two hundred and sixty barrels of fresh herring. Just as the purchase was concluded, the steamer "Greyhound," employed by the government of Newfoundland, steamed into Belloram with Philip Hubert, Collector of Customs at Harbor Breton, on board, who at once sent a policeman on board my vessel and demanded the removal of the hatches. I protested against disturbing the hatches, the weather being soft, but finally had to comply with his demand. I was then asked to go on board the "Greyhound," when Collector Hubert informed me I could take no more herring, at the same time forbidding Farrell delivering me any of the lot I had secured from him, and placed a policeman on board to prevent his doing so.

On the following morning (26th) Collector Clinton arrived from Bay l'Argent (Telegraph Station) and I at once went with him on board the "Greyhound" when a consultation was held to decide what to do with the herring I had already on board. They decided to take a bond from me to land fish at Halifax, Nova Scotia, at the same time stating their instructions were to allow no Canadian vessel to secure fresh herring. I asked them to put their refusal in writing. This they refused to do.

During the 26th the wind changed to north north-east and the weather turned intensely cold. Tried to secure herring again from Farrell, but policeman prevented him handling them.

On the morning of the 27th (the steamer "Fiona," also employed in the Newfoundland government service and having on board Commissioner Sullivan, not having arrived as expected) I sailed for the Bay, the East. On the way down secured a lot of twenty-five (25) barrels of herring, spread them on ice for freezing and engaged two hundred and fifty (250) barrels more from one Jeremiah Petit; had about one hundred (100) barrels in boats to spread on ice when steamer "Fiona" arrived and Commissioner Sullivan boarded my vessel asking me what I was doing here. Told him I was trying to freeze balance of my cargo if allowed to do so. He then asked me if Collector Hubert

had not forbidden me taking herring. I replied he had, but that he had refused to put his order in writing or give or show his authority for the course he was taking. Commissioner Sullivan then demanded the hatches removed, looked at the fish and ordered the hatches replaced: at the same time forbidding me taking another fish. I then demanded of him a written notice that I should secure no herring. This he positively refused to give and was some time in doubt whether he would allow me to take what herring I had already on board. Finally I was allowed to take vessel to St. Jacques with the first catch of herring. Before leaving, Mr. Sullivan ordered the men in charge of the one hundred (100) barrels of herring to throw them overboard, which was done in the presence of myself and crew. The night following was intensely cold. I then had to go on board the "Fiona," when I was compelled to take a most binding oath that the herring I had on board would not be used for bait in Nova Scotia.

We cleared from St. Jacques for Halifax, N. S. where I arrived on the third day of April and handed vessel and cargo over to her owners, John Allen & Sons, who took immediate charge.

Further, I wish to state that at the time the several lots of herring were secured by me or during the following few hours, the weather was exceptionally cold and I could have loaded the vessel to her utmost capacity which counted out amounts to three hundred and fifty thousand (350,000) herring, but was prevented doing so solely by the officials of the Newfoundland government, who threatened to use force against me should I persist in taking any fish against their instructions.

M. B. WRAYTON.

[Enclosure 3 in No. 76.]

Canada,  
Province of Nova Scotia,  
County of Halifax.

I, Michael B. Wrayton, of Halifax, in the county of Halifax, and province of Nova Scotia, master mariner, do hereby solemnly declare as follows:—

1. That I am the Michael B. Wrayton referred to in the statements hereto annexed.
2. That the foregoing statements are just and true and contain in a condensed form the facts in connection with my voyage to Newfoundland in the schooner "Ocean Belle," and the transactions in connection therewith.
3. That I have not in any way whatever endeavoured to overdraw the same, but have related them as they actually took place, and I make this solemn declaration conscientiously believing the same to be true and by virtue of an act passed for the suppression of voluntary and extra judicial oaths.

M. B. WRAYTON.

Solemnly declared at Halifax, in the county  
of Halifax, this 20th day of April, A.D.  
1891, before me.

J. L. BARNHILL,  
A Commissioner of the Supreme and County Courts  
for the county of Halifax.

No. 76.

*Secretary of State for the Colonies to the Governor General.*

4th May, 1891:

To the Governor General.

Referring to your telegram of the 23rd April, have pressed Newfoundland delegates to withdraw and am still in communication with them.

KNUTSFORD.

## No. 77.

OTTAWA, 6th May, 1891.

T. E. KENNY, Esq., M.P.,  
House of Commons,  
Ottawa.

DEAR MR. KENNY,—I have your letter of the 2nd instant, with copies of the statement of Mr. James Allen, showing the loss sustained by him owing to the refusal of the officers of the Newfoundland government to allow his schooner, "Ocean Belle," to procure a full cargo of bait.

The subject of procuring bait by Canadian fishermen in Newfoundland ports has already received consideration, and Mr. Allen's statement will be valuable in further dealing with the case.

Yours faithfully,  
CHARLES H. TUPPER.

## No. 78.

METEOROLOGICAL OFFICE, TORONTO, 7th May, 1891.

Deputy Minister of Fisheries,  
Ottawa.

SIR,—I have the honour to acknowledge the receipt of the privy council, reference No. 566—H, in reference to the claim of H. Dicks, of Prince Edward Island, against the Newfoundland government. When I forwarded Mr. Dicks' petition, I had carefully studied the facts of the case as set forth therein, and it was impossible to come to any other conclusion than that Mr. Dicks had endeavoured, as far as possible, to comply with the regulations of the Newfoundland government.

I would respectfully recommend that the papers in the case, including Mr. Dicks' petition, the additional evidence which I subsequently forwarded from the captain who fished with him, and the reply of the Newfoundland government, should be submitted to the department of justice for a report. I am not in possession of copies of the Newfoundland regulations, and could only form an opinion based on Mr. Dicks' statements in his petition. The reply of the colonial secretary does not refute any statement made by Mr. Dicks, nor show in what particular he committed a breach of the laws.

Your obedient servant,  
ANDREW R. GORDON.

## No. 79.

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
VICTORIA CHAMBERS, 17 VICTORIA STREET,  
LONDON, S.W., 8th May, 1891.

The Right Hon. SIR JOHN A. MACDONALD,  
Ottawa, Canada.

MY DEAR SIR JOHN MACDONALD,—In continuation of my despatch No. 208 of the 29th ultimo, I now beg to transmit for your information, a copy of the reply I have received from the colonial office to the letter I addressed to that department on the 28th April, 1891, with reference to the treatment of Canadian fishermen under the Newfoundland Bait Act.

I remain yours faithfully,  
CHARLES TUPPER.

[Enclosure 1 in No. 79.]

COLONIAL OFFICE, DOWNING STREET, 30th April, 1891.

The High Commissioner  
for the Dominion of Canada.

SIR,—I am directed by Lord Knutsford to acknowledge the receipt of your letter of the 28th instant as to the treatment of Canadian fishermen under the Newfoundland Bait Act, and to acquaint you in reply that it has been communicated to the foreign office and referred to Sir W. V. Whiteway.

I am, sir, your obedient servant,  
ROBERT G. W. HERBERT.

No. 80.

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
VICTORIA CHAMBERS, 17 VICTORIA STREET,  
LONDON, S.W., 8th May, 1891.

The Right Honourable  
Sir JOHN A. MACDONALD, G.C.B.,  
    &c.,                      &c.,                      &c.,  
                                 Ottawa, Canada.

MY DEAR SIR JOHN MACDONALD,—I beg to confirm the following telegram which I sent you to-day, in cipher :—

"Have addressed letter colonial office protesting against bill recently passed Newfoundland legislature repealing old tariff and enacting new one, effect of which would be to enable colony discriminate against Canada without further legislation, and pressing Lord Knutsford telegraph governor 'withhold assent.'"

I now enclose for your information a copy of my letter to the colonial office upon the subject. This I took over to the colonial office personally and handed to Sir Robert Herbert, from whom I understood that instructions of the nature suggested in my communication would be sent to the governor.

I remain yours faithfully,  
CHARLES TUPPER.

[Enclosure 1 in No. 80.]

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
17 VICTORIA STREET, LONDON, S.W., 7th May, 1891.

The Under Secretary of State,  
Colonial Office, S.W.

SIR,—My attention has been directed to a bill which has been introduced into, and, I believe, passed by, the Newfoundland legislature, to confirm certain resolutions submitted by the honourable the receiver general to a committee of the whole house on ways and means.

The effect of this bill would be to repeal the existing tariff of Newfoundland, to create a new table of duties, and to legalize resolutions of an important character, to which I feel it my duty to direct the attention of Her Majesty's government.

1. The duty to be levied in the general tariff on fish is subject to the following condition, namely : " Provided that the governor may, by proclamation, published in the *Royal Gazette* remit, as he may deem equitable, the whole or any part of the duty imposed on fish imported into this colony or its dependencies, from countries making such changes or reductions in their tariff with respect to fish or other articles exported from this colony or its dependencies to such countries. "

The effect of this would be that the small fish usually sold by fishermen from the Banks in exchange for bait and supplies might be made free when sold by United States fishermen, and the provision might thus be made to discriminate against Canadian fishermen.

2. The duty on flour in the general tariff is fixed at 30 cents per barrel, and on pork at \$1.75 per barrel; but in a subsequent provision it is provided "that when the proposed convention between this colony and the United States of America shall come into operation, and during continuance thereof, the duties to be levied and collected upon the following enumerated merchandize imported into the colony of Newfoundland from the United States shall not exceed the following amounts, namely:—

Flour, per barrel	\$ 0.25
Pork, per barrel of 200 lbs	1.50

It will be seen that the lower duties would be a practical discrimination against Canada, and no power is apparently taken to grant equal concessions to the Dominion. 3. It is also provided that, in addition to the duties in the general tariff, certain additional duties, on the following articles, of prohibitive nature, may be levied against countries placing duties on the fish exported from the colony:—

Flour, the barrel	\$ 0.75
Pork, do	0.75
Butter, the one hundred pounds	0.75
Tobacco do do	5.00
Kerosene oil, the gallon	0.05
Corn meal, the barrel	0.25
Hay, the ton	5.00
Oats, the bushel	0.10
Potatoes, the bushel	0.25
Turnips the bushel	0.25
Cabbages, the dozen heads	0.40

Unenumerated vegetables, thirty per cent.

At the present time Canada imposes no duty upon fish imported from Newfoundland, and in fact the colony is treated in the Dominion on more favourable terms in that respect than any other part of the empire, but under the provisions of the bill to which I have referred, should Canada deem it necessary or desirable at any time to place Newfoundland on terms of equality with any other country or colony, the Newfoundland government would have power to impose these prohibitive duties on Canadian imports, and, in another way to discriminate against the trade and commerce of the Dominion.

I think I have been able to place sufficient information before the secretary of state to warrant my asking, on behalf of my government, that Her Majesty's government may interfere to prevent the bill in question receiving the royal assent, for if it is made law it will discriminate most unjustly against the Dominion. Its provisions seem to be particularly harsh in view of the generous and friendly treatment which the Dominion has always accorded to the sister colony of Newfoundland.

It will also be within your recollection that in 1884, when the question of the proposed negotiations between Great Britain and Spain, for the arrangement of closed commercial relations between Canada and the Spanish Antilles, was under discussion, I stated, on behalf of the Canadian government, in my letter to your department dated the 1st October, 1884, that, in the event of a treaty being concluded for the purpose in question, the Dominion government would be prepared to extend any concessions that might be granted to the Spanish Antilles to the British West Indies on similar terms.

I think Canada may at least fairly ask to be placed in a similar position so far as Newfoundland is concerned, and I venture to hope also that Her Majesty's government will support my contention that it would be unwise for the colony to place itself in the position of being able to discriminate against a neighbouring colony, and in direct favour of a foreign country. I trust therefore that Lord Knutsford will be able to

inform me at an early date, that he will communicate with the governor of Newfoundland by telegraph upon the subject, and prevent the bill to which I have called attention becoming law, as it would undoubtedly be regarded with much dissatisfaction in the Dominion.

I have, &c.,  
**CHARLES TUPPER,**  
*High Commissioner for Canada.*

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**No. 81.**

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
 VICTORIA CHAMBERS, 17 Victoria St.,  
 LONDON, S.W., 16th May, 1891.

The Right Honourable,  
 Sir John A. MACDONALD, G.C.B., &c., &c., &c.,  
 Ottawa.

My Dear Sir JOHN MACDONALD,—Following up my dispatch No. 275 of the 8th instant, I enclose for your information, a copy of a letter which I have received from the colonial office, respecting the enforcement of the Newfoundland Bait Act against Canadian fishermen; together with a copy of the correspondence between that department and Sir W. Whiteway upon the subject, which accompanied it. I do not send any other enclosures, as they consist of communications between the Governor General and the secretary of state for the colonies, which you already have.

I also forward you a copy of a further letter which I addressed to the colonial office upon the subject yesterday.

I remain yours faithfully,  
**CHARLES TUPPER.**

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[Enclosure 1 in No. 81.]

COLONIAL OFFICE, S.W., 12th May, 1891.

The High Commissioner for Canada.

SIR,—With reference to your letter of the 28th ultimo, I am directed by Lord Knutsford to transmit to you copies of correspondence respecting the enforcement of the Newfoundland Bait Act against Canadian vessels.

I am, &c.,  
**ROBERT G. W. HERBERT.**

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[Enclosure 2 in No. 81.]

*Colonial Office to Sir W. Whiteway.*

DOWNING STREET, S. W., 25th April, 1891.

Sir W. WHITEWAY, K.C.M.G.

SIR,—I am directed by Lord Knutsford to acquaint you that he has received a telegram from the governor general of Canada stating that the Dominion government earnestly protest against the unfavourable treatment of Canadian vessels by the government of Newfoundland under the Bait Act of 1889.

They point out that the Bait Act of 1887—of which that of 1889 is a consolidation—was only assented to by Her Majesty after an assurance had been given by the then government of Newfoundland that the fullest rights and privileges to procure bait for their own use such as they had previously enjoyed, would be extended to all British fishermen.



Contrary to this assurance, the Bait Act of 1889 is now being rigorously enforced against Canadian fishermen, while fishermen from the United States are exempt, and a large fleet of fishing vessels from Nova Scotia are now in great distress for want of early spring bait, owing to their exclusion from Newfoundland ports.

The assurance referred to as having been given by the government of Newfoundland are contained in Sir R. Thorburn's letter to this department of the 27th of April, 1887, and in the telegraphic correspondence which is enclosed, and it will be within your recollection that in the discussion which you and your fellow delegates had last year in this office with Sir C. Tupper and Sir J. Thompson as to the terms on which bait licenses should be issued to Canadian fishermen, you were understood to promise to make arrangements consistent with that assurance.

Lord Knutsford will be glad to be favoured with any remarks which you may wish to offer on this matter.

I am, &c.,

EDWARD WINGFIELD.

[Enclosure 3 in No. 81.]

*The Colonial Office to Sir W. Whiteway.*

DOWNING STREET, 30th April, 1891.

Sir Wm. WHITEWAY, K.C.M.G.

Sir,—With reference to the letter from this department of the 25th instant, I am directed by Lord Knutsford to transmit for your consideration a copy of a letter from the high commissioner for Canada on the subject of the enforcement of the Bait Act against Canadian fishermen.

I am to point out that, putting aside for the moment the question whether it is lawful and constitutional to exclude some British subjects from fishing in British waters open to other British subjects, Her Majesty's government press upon you the desirability on all grounds of at once removing these restrictions upon Canadian fishermen.

I am, &c.,

ROBERT G. W. HERBERT.

No. 82.

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
VICTORIA CHAMBERS, 17 VICTORIA STREET,  
LONDON, S.W., 16th May, 1891.

The Right Honourable

Sir JOHN A. MACDONALD, G.C.B.,  
Ottawa.

MY DEAR Sir JOHN MACDONALD,—In continuation of my letter No. 274, of the 8th instant, I beg to transmit herewith, for your information, copies of two letters I have received from the colonial office on the subject of my representation respecting the Newfoundland tariff, together with a further communication which I have addressed to that department in reply.

I remain yours faithfully,

CHARLES TUPPER.

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[Enclosure 1 in No. 82.]

COLONIAL OFFICE,  
DOWNING STREET, S.W., 9th May, 1891.

The High Commissioner for Canada.

SIR,—I am directed by Lord Knutsford to acknowledge the receipt of your letter of the 7th instant, respecting the budget resolutions proposed by the receiver general of Newfoundland.

I am to acquaint you that Lord Knutsford is in communication with the governor on the subject.

I am, &c.,

EDWARD WINGFIELD.

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[Enclosure 2 in No. 82.]

COLONIAL OFFICE, S.W., 13th May, 1891.

The High Commissioner for Canada.

SIR,—With reference to the letter from this department of the 9th instant, I am directed by Lord Knutsford to acquaint you that the governor of Newfoundland has pointed out that the resolutions proposed by the receiver general of the colony, to which you called attention in your letter of the 7th instant, are identical with sections 10 and 12 of the tariff act, 50 Vic., cap. 2, at present in force, of which a copy is enclosed.

I am to add that these sections do not appear to confer on the government of Newfoundland any greater power of discriminating against Canada than is conferred by section 3 of cap. 33 of the Revised Statutes of Canada on the government of the Dominion of discriminating against Newfoundland.

In these circumstances, Lord Knutsford does not feel justified in directing the governor to reserve the bill embodying the resolutions in question.

I am, &c.,

JOHN BRAMSTON.

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[Enclosure 3 in No. 82.]

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
17 VICTORIA STREET, S. W., 15th May, 1891.

The Under Secretary of State,  
Colonial Office, S.W.

SIR,—I beg to acknowledge the receipt of Mr. Bramston's letter of the 13th inst., with reference to the resolutions proposed by the receiver general of Newfoundland, to which I called attention in my letter of the 7th instant.

In the second paragraph of Mr. Bramston's letter it is stated:

"I am to add that these sections do not appear to confer on the government of Newfoundland any greater power of discriminating against Canada than is conferred by section 3 of cap. 33 of the Revised Statutes of Canada on the government of the Dominion of discriminating against Newfoundland."

I should like to say upon that point that the section of cap. 33 of the Revised Statutes of Canada provides, not for an increase of duty in certain contingencies, but for a reduction, and that it does not apply to the United States alone but to Newfoundland also. I may add that the government have used the power conferred upon them to make fish and fish products from Newfoundland practically free of duty.

On the other hand, the proposed Newfoundland legislation, although certain portions of it may be a re-enactment, provides for increased duties which may be used as against Canada and other parts of the empire, and in favour of other countries; and the last resolution, which is entirely new, provides for direct discrimination in certain circum-

stances in favour of the United States against every other country, no power being taken to grant similar reductions to British subjects. This is certainly contrary to the practice which has hitherto prevailed, and as defined in the instructions issued under date of 28th March, 1876, to the governor and commander-in-chief of Newfoundland and its dependencies, in which it is provided that the governor is not to assent to "any bill imposing differential duties," or to "any bill of an extraordinary nature and importance, whereby the prerogative, or the rights and property of our subjects not residing in our said colony, or the trade and shipping of the United Kingdom, and its dependencies, may be prejudiced." It seems to me also that such legislation tends to establish a precedent which may be fraught with inconvenience and difficulty in the future. In this connection I need only refer again to the last paragraph but one in my letter of the 7th instant, as instancing the policy of Canada towards the other colonies of the empire, when negotiations were pending with Spain, for regulating the commercial relations between the Dominion and the Spanish Antilles.

I venture therefore to again express the opinion that the matter is one to which the attention of Her Majesty's government should be directed.

I am, sir, your most obedient servant,

CHARLES TUPPER,  
High Commissioner.

[Enclosure 4 in No. 82.]

(See *New York Herald*, 13th, and *Boston Herald*, 18th October.)

I immediately wrote to Sir Robert Herbert a letter of which I enclose you a copy. Previous to the receipt of that letter Mr. Bramston sent me a despatch of which I also send you a copy, and I have to-day cabled you as follows:—

"Your cable 21st entered protest as desired. What action do you wish me to take in reference to Pauncefote's telegram to foreign office?"

I await your instructions, as it is very important that the same line should be taken in my communications on this question as that adopted by your government.

I have, &c.

CHARLES TUPPER,  
High Commissioner.

[Enclosure 5 in No. 82.]

HÔTEL CONTINENTAL,  
PARIS, FRANCE, 21st October, 1890.

DEAR SIR ROBERT HERBERT,—I called yesterday morning to see you and Lord Knutsford in reference to a cable saying that the foreign office had allowed Mr. Bond, a member of the Newfoundland government, to negotiate through Sir J. Pauncefote with the government of the United States for the free admission of the Newfoundland fish to the United States markets in exchange for bait and other privileges.

I missed seeing either of you and was obliged to come here on urgent business connected with our fast Atlantic service. After I left London a cable came from Sir J. Macdonald asking me to ascertain whether there was any truth in this rumour, and if so enter a strong protest on behalf of Canada. I have never believed that any policy so obviously disastrous to Canada could be entertained by Her Majesty's government, and I hope Lord Knutsford will authorize you to send me a letter, under cover to Mr. Colmer, saying I may at once relieve the government of Canada from any apprehension on this point.

I will lose no time in seeing you on my return to London the latter part of this week.

Yours, &c.,

CHARLES TUPPER.

[Enclosure 6 in No. 82.]

COLONIAL OFFICE, DOWNING STREET, S. W.,

23rd October, 1890.

The High Commissioner for Canada.

SIR,—I am directed by Lord Knutsford to acquaint you that a telegram dated 6th instant has been received from Her Majesty's minister at Washington by the secretary of state for foreign affairs, of which the following is the purport :—

"With reference to your despatch of the 10th ultimo, introducing Mr. Bond, I have presented that gentleman to Mr. Secretary Blaine, and negotiations are now going on with a view to an independent arrangement between the United States and Newfoundland, relating to the fisheries. Before negotiations go further, I would suggest that the government of Canada might be informed of them as they might wish to negotiate in the same lines as regards New Brunswick and Nova Scotia."

The substance of Sir J. Poncefote's telegram has been communicated by telegraph to the Governor General of Canada.

I am, &amp;c.,

JOHN BRAMSTON.

## No 83.

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 22nd May, 1891.

On a report dated 12th May, 1891, from the minister of marine and fisheries, calling attention to the minute of council of the 21st of April, ultimo, with appended newspaper extracts, announcing the interference with the operations of the Canadian schooner "Ocean Belle," of Halifax, Nova Scotia, Captain Wrayton, master, by the Newfoundland authorities, and intimating that a detailed statement of the facts was in course of preparation.

The minister now submits a formal declaration of Michael B. Wrayton, master, detailing the circumstances attending the treatment complained of, together with a declaration of Mr. James Allen, the owner of the schooner "Ocean Belle," of claim to compensation for loss sustained by him by reason of his vessel being prevented under threat of forcible interference (as set forth in the statements) from securing a full load of frozen herring at Fortune Bay, whither she had sailed from Halifax for that purpose.

The committee, on the recommendation of the minister of marine and fisheries, advise that your excellency be moved to forward copies hereof together with the appended statements to the right honourable the secretary of state for the colonies with a request that the claim may be brought to the attention of the government of Newfoundland, with a view to obtaining relief for loss sustained by the owners of the vessel.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,

Clerk of the Privy Council.

[Enclosure 1 in No. 83]

## NEWFOUNDLAND BAIT ACT.

*In re British Schooner "Ocean Belle," of Halifax, N.S.*

Statement of loss to James Allen, sole member of the firm of John Allen & Sons, of Halifax, N.S., owners of the British schooner "Ocean Belle," Wrayton, master, on her voyage from Halifax, N.S., to Fortune Bay, Newfoundland, showing the loss sustained

to said owner through the refusal of the officers of the Newfoundland government to allow them to procure a full load of frozen herring at Fortune Bay, Newfoundland, in the month of March, A.D. 1891.

Capacity of vessel in count. ....	350,000
Landed. ....	167,000

Short of load. ....	183,000
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Value 183,000 herring at  $1\frac{1}{4}$  cents, \$2,287.50.

Canada,  
Province of Nova Scotia,  
County of Halifax,

I, James Allen, of the city and county of Halifax, merchant, sole member of the firm of John Allen & Sons, owners of the British schooner "Ocean Belle," do solemnly declare as follows: That the foregoing statement doth contain a true and correct account of my loss by reason of the schooner "Ocean Belle" through her not being allowed to get herring at Newfoundland as therein stated, and my loss thereby is \$2,287.50, and I make this solemn declaration conscientiously believing the same to be true and by virtue of the act respecting voluntary and extra judicial oaths.

JAMES ALLEN,

Solemnly declared before me at Halifax, in the county of Halifax, this 27th day of April, A.D. 1891.

J. L. BARNHILL,

*A Commissioner of the Supreme and County Courts  
for the County of Halifax.*

[Enclosure 2 in No. 83.]

#### NEWFOUNDLAND BAIT ACT *in re* "OCEAN BELLE."

Statement of Michael B. Wrayton, master of the British schooner "Ocean Belle," of 80 tons burthen, owned by John Allen & Sons, of Halifax, Nova Scotia:—

Left Halifax, N.S., 21st January, 1891, for Fortune Bay, Newfoundland, to procure a cargo of frozen herring; arrived at St. Jacques on the 29th following. Entered vessel at custom house, paid duties and received coastwise clearance from collector Clinton. Asked him for instructions and if any further papers were necessary for me to procure herring. He answered me: "There is nothing to prevent you securing your load of frozen herring; you can do so, so far as I am concerned. I have no instructions to the contrary."

Left St. Jacques on the 4th of February, sailed to Belloram and other places about the bay in search of herring but secured none until the 16th of March, when we took on board one hundred and seventy-five barrels. On the 20th March took another lot of sixty barrels. At midnight, on the 23rd March, we returned to Belloram. On the 25th purchased from one Patrick Farrell two hundred and sixty barrels of fresh herring. Just as the purchase was concluded, the steamer *Greyhound*, employed by the government of Newfoundland, steamed into Belloram with Philip Hubert, Collector of Customs at Harbour Breton, on board, who at once sent a policeman on board my vessel and demanded the removal of the hatches. I protested against disturbing the hatches, the weather being soft, but finally had to comply with his demand. I was then asked to go on board the *Greyhound*, when Collector Hubert informed me I could take no more herring, at the same time forbidding Farrell delivering me any of the lot I had secured from him, and placed a policeman on board to prevent his doing so.

On the following morning (26th), Collector Clinton arrived from Bay L'Argent (telegraph station) and I at once went with him on board the *Greyhound*, when a consultation was held to decide what to do with the herring I had already on board. They decided to take a bond from me to land the fish at Halifax, N.S., at the same time stating their instructions were to allow no Canadian vessel to secure fresh herring. I asked them to put their refusal in writing. This they refused to do.

During the 26th the wind changed to north north-east and the weather turned intensely cold. Tried to secure herring again from Farrell, but policeman prevented him from handling them.

On the morning of the 27th (the steamer "Fiona," also employed in the Newfoundland government service, and having on board Commissioner Sullivan, not having arrived as expected), I sailed for the Bay, the East. On the way down secured a lot of twenty-five (25) barrels of herring, spread them on ice for freezing and engaged two hundred and fifty (250) barrels more from one Jeremiah Petit; had about one hundred (100) barrels in boats to spread on ice when steamer "Fiona" arrived and Commissioner Sullivan boarded my vessel, asking me what I was doing here. Told him I was trying to freeze balance of my cargo if allowed to do so. He then asked me if Collector Hubert had not forbidden me taking herring. I replied he had, but that he had refused to put his order in writing or give or show his authority for the course he was taking. Commissioner Sullivan then demanded the hatches removed, looked at the fish and ordered the hatches replaced; at the same time forbidding me taking another fish. I then demanded of him a written notice that I should secure no herring. This he positively refused to give and was some time in doubt whether he would allow me to take what herring I had already on board. Finally, I was allowed to take vessel to St. Jacques with the first catch of herring. Before leaving, Mr. Sullivan ordered the men in charge of the one hundred (100) barrels of herring to throw them overboard, which was done in the presence of myself and crew. The night following was intensely cold. I then had to go on board the "Fiona," when I was compelled to take a most binding oath that the herring I had on board would not be used for bait in Nova Scotia.

We cleared from St. Jacques for Halifax, N.S., where I arrived on the third day of April, and handed vessel and cargo to her owners, John Allen & Sons, who took immediate charge.

FURTHER, I wish to state that at the time the several lots of herring were secured by me or during the following few hours, the weather was exceptionally cold and I could have loaded the vessel to her utmost capacity which, counted out, amounts to three hundred and fifty thousand (350,000) herring, but was prevented doing so solely by the officials of the Newfoundland government, who threatened to use force against me should I persist in taking any fish against their instructions.

M. B. WRAYTON.

[Enclosure 3 in No. 83.]

Canada,  
Province of Nova Scotia,  
County of Halifax.

I, Michael B. Wrayton, of Halifax, in the county of Halifax, and province of Nova Scotia, master mariner, do hereby solemnly declare as follows:—

1. That I am the Michael B. Wrayton referred to in the statements hereto annexed.
2. That the foregoing statements are just and true and contain in a condensed form the facts in connection with my voyage to Newfoundland in the schooner "Ocean Belle," and the transactions in connection therewith.
3. That I have not in any way whatever endeavoured to overdraw the same, but have related them as they actually took place, and I make this solemn declaration conscientiously believing the same to be true and by virtue of an act passed for the suppression of voluntary and extra-judicial oaths.

M. B. WRAYTON.

Solemnly declared at Halifax,  
in the county of Halifax this  
20th day of April A.D., 1891.  
Before me

J. L. BARNHILL,  
*A Commissioner of the Supreme and County  
Courts for the county of Halifax.*

## No. 84.

OTTAWA, 5th June, 1891.

To the Honourable  
 CHARLES H. TUPPER,  
 Minister of Marine and Fisheries.

SIR,—In obedience to your instructions, I left Ottawa on Thursday, April 2nd, for Newfoundland, to confer with the government on the "bait question."

I sailed from Halifax in the steamer "Carthaginian," on Saturday, the 4th of April, and arrived at St. Johns, Newfoundland, at midnight, on Monday the 6th.

Learning that a delegation, consisting of Sir William Whiteway, premier, Mr. Morine, leader of the opposition, Mr. Speaker Emmerson, and the Hon. Messrs. Harvey and Munro, members of the legislative council, were embarking for England by the same steamer, I did not land, thinking it better to accompany these gentlemen.

The second day out, I presented my credentials to Sir William Whiteway, who gave me a formal introduction to the other gentlemen of the delegation.

On the passage over, we fully discussed the bait question, as well as other matters of trade, &c., between the Dominion and Newfoundland, at the outset of which I assured the delegates that Canada was not desirous, even in the most remote degree, of being on any other than the most friendly relations with the government and people of that colony.

In our discussion of the Bait Act, it became apparent that the measure was not passed, primarily, with the view of interfering in the least degree with the right of Canadian fishermen, but rather to provide a remedy for a state of affairs of which Newfoundland complained as regards the "French shore" and Bank fisheries. Briefly, the difficulty may be stated as follows, taking the the statistics of 1882, the only figures available at present :—

In 1882, the value of the cod fishery products exported from Newfoundland was \$5,978,668.00. The total catch of codfish that year being 1,463,139 quintals. The average total value of the fisheries of Newfoundland is \$7,901,370 or £1,646,118 sterling.

The countries to which the bulk of the dried codfish is exported, are the United States, United Kingdom, Brazil, Portugal, Spain, Italy, Spanish West Indies, British West Indies and the Dominion of Canada. The products of the seal fishery are sent almost exclusively to the United Kingdom; lobsters are exported to Great Britain, and herrings chiefly to Canada and the United States.

Each year in April a fleet arrives at St. Pierre from France, and, after purchasing a supply of bait, for which they are wholly dependent upon the Newfoundland fishermen, who realize about \$100,000 per annum from its sale, they proceed to the Banks and to their station along the French shore. The product of the first two voyages is taken ashore at St. Pierre and dried; that of the third is taken back to France, in a green state, at the end of the current fishing season.

This fishery has not advanced since 1864, and indeed for a number of years past has been in a state of decline; and it is believed that but for the "bounties" amounting to about two dollars a quintal, it would have long since ceased. The number of men employed is between 5,000 and 6,000, and the annual product of the cod fishery is estimated at about 400,000 quintals. In 1879, the total value of the French cod fisheries, on the Banks and on the coast of Newfoundland, was 369,628 quintals, valued, according to the returns, at £279,697 sterling, or in round numbers, to \$1,400,000.

It may not be improper here to state that, of the 5,239 miles of fishing ground belonging to British America as against 7,070 miles claimed by the United States, Newfoundland claims to own 2,000 miles. The colonists also assert ownership over all the fisheries "around their coast" within the three mile limit; and that they therefore have a right to legislate for themselves and their interests against the rest of the world.

Further discussion revealed that one of the causes of unfriendliness towards Canada was the interference of the dominion government with their negotiations at Washington for a separate and distinct treaty with the United States.



In reply, I stated that in all negotiations affecting trade regulations with the United States, the dominion always included Newfoundland, and that the ratification of such negotiations was subject to the concurrence of the Newfoundland legislature; that Canada could certainly not stand by and see United States fishermen obtaining bait free in British waters, whilst her own vessels, flying the same flag, were prohibited from so doing, and placed in the same category as "all foreign nations" except the United States; nor could Canada, representing, as it does, five millions of British subjects on this continent, understand how any treaty could be made with the United States by Newfoundland in which Canadians could not fully participate and *vice versa*; that as Canada and Newfoundland had always acted concurrently, I saw no good reasons for any departure from the precedents of the legislation of 1854 and 1882.

But the "chief cause" of complaint was that whilst Newfoundland was endeavouring to prevent the French obtaining bait, we were supplying them with bait from our Magdalen Island herring fishery.

In reply, I stated that if it were the case, that we had not only sufficient bait for ourselves, but enough to sell to the French, there was no necessity for their passing an order in council depriving us of bait. But I fully satisfied them that it was impossible for us to sell the French herring from the Magdalen Islands, inasmuch as whilst the French wanted the bait the last week in March or the first week in April, it was then impossible to get to the Magdalen Islands for ice, and that there was no herring there until the ice left.

The delegates concluded that if the bait fishery was as much ours as theirs, and as the French "bounty fed fish" met Canadian fish, as well as their own, in the world's markets, Canada should contribute to the protection of the bait fishery, and then all opposition on their part to our obtaining bait would be withdrawn.

It was in this spirit we reached Liverpool, whence I wired you:—

"Premier open to proposal for settlement to pay share of protecting bait fishery or sending steamer for May and June and preventing our fishermen selling bait to the French, Americans to obtain limited bait by joint consent."

Upon my arrival in London, I was introduced by Sir Charles Tupper to Lord Knutsford and Sir Robert Herbert, with whom I had several interviews, when I found that they agreed with me in the views hereinbefore expressed.

I learned also that before the Bait Act received the royal assent, a distinct pledge had been given by the then premier of the colony that it should not apply to Canadian fishing vessels.

I communicated this information to Sir William Whiteway, who replied that he had never heard of it, nor had he seen it in any of the records of his government, and that, in his opinion, he was not bound by it.

I replied that there could be no continuity of administration unless each succeeding premier was bound by the pledges of his predecessor, and I hoped he would see his way clear to withdraw his minute of council, in default of which I considered he would lay his government open to action for damages by owners of our vessels who had been refused bait.

Throughout our conferences the most friendly spirit was exhibited by all the delegates, and as they were unable to conclude how to act until their present misunderstanding with the imperial government was settled, they promised to give my representations the very fullest consideration, and I may say in conclusion that I am quite satisfied the majority of the delegates shared my views.

All of which is respectfully submitted by

Yours respectfully,  
GEORGE W. HOWLAN.

**No. 85.***(Telegram.)*

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

HALIFAX, 15th June, 1891.

Any chance Newfoundland Bait Act changing inside one month favouring  
dominion vessels?

B. E. REINHARDT.

**No. 86.***(Telegram.)*

B. E. REINHARDT,  
Halifax, N.S.

OTTAWA, 15th June, 1891.

Cannot yet speak definitely, but am hopeful. Have cabled government of New-  
foundland, and if reply favourable will publish it.

CHARLES H. TUPPER.

**No. 87.***[Cable.]*

Colonial Secretary,  
St. Johns Newfoundland.

OTTAWA, 15th June, 1891.

Fourteen vessels Lunenburg desire bait from your ports. Kindly cable whether  
they can now do so.

CHARLES H. TUPPER.

**No. 88.***[Cable.]*

Hon. CHARLES H. TUPPER,  
Ottawa.

ST. JOHNS, NEWFOUNDLAND, 18th June, 1891.

Position unchanged. Regulations have not been relaxed.

COLONIAL SECRETARY.

**No. 89.***[Cable.]*

TUPPER,  
London, England.

OTTAWA, 18th June, 1891.

Newfoundland regulation not relaxed. Canadian vessels in our (their?) ports  
embarrassed by bait prohibition. Can nothing be done by English government?  
TUPPER.

**No. 90.***(Telegram.)*

Hon. C. H. TUPPER, Ottawa.

CANSO, 3rd July, 1891.

Will Newfoundland bait law soon change, favouring Dominion vessels? Answer.  
H. N. OXNER.

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No. 91.*(Telegram.)*

H. N. OXNER, Canso, N. S.

OTTAWA, 3rd July, 1891.

Regret not able yet to give definite answer.

CHARLES H. TUPPER.

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No. 92.*(Telegram.)*

Hon. Minister of Marine and Fisheries.

HALIFAX, 6th July, 1891.

Can Canadian vessels procure bait in Newfoundland, and under what conditions?  
W. D. HARRINGTON.

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No. 93.*[Telegram.]*

W. D. HARRINGTON, Halifax, N.S.

OTTAWA, 6th July, 1891.

Have no notice of change in Newfoundland regulations yet.

CHARLES H. TUPPER.

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No. 94.*[Telegram.]*

Hon. C. H. TUPPER,

CANSO, N.S., 14th July, 1891.

Minister of Marine and Fisheries, Ottawa.

Any chance to go to Newfoundland at present? Answer quick.

REUBEN RITCEY.

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No. 95.*[Telegram.]*

REUBEN RITCEY, Master, Canso, N.S.

OTTAWA, 14th July, 1891.

Have no advice of change in Newfoundland regulations yet.

CHARLES H. TUPPER.

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No. 96.*[Telegram.]*

Hon. Minister of Marine and Fisheries.

NORTH SYDNEY, C. B., 17th July, 1891.

Wire if any change Newfoundland bait law reference Canadian vessels.

A. W. HENDRY.

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No. 97.*[Telegram.]*

A. W. HENDRY, North Sydney, N.S.

OTTAWA, 17th July, 1891.

Not advised of any change since.

CHARLES H. TUPPER.

## No. 98.

OTTAWA, 17th July, 1891.

Jos. POPE, Esq., Private Secretary  
to the Hon. the Premier, Ottawa.

My DEAR SIR,—The minister desires me to ask the Honourable Mr. Abbott to request his excellency to cable the governor of Newfoundland enquiring whether any decision has yet been reached as to permitting Canadian fishing vessels to purchase bait in Newfoundland.

Will you be good enough to submit this request to the premier.

Yours very truly,

JOHN TILTON,  
*Deputy Minister of Fisheries.*

## No. 99.

PRIVY COUNCIL OFFICE, OTTAWA, 20th July, 1891.

JOHN TILTON, Esq.,  
Deputy Minister of Fisheries,  
Ottawa.

DEAR SIR,—In reply to yours of the 17th, I beg to inform you, for the information of the minister of marine and fisheries, that Mr. Abbott has telegraphed his excellency asking him to be pleased to cable the governor of Newfoundland, enquiring whether any decision has yet been reached as to permitting Canadian fishing vessels to purchase bait in Newfoundland. To this, no answer has yet been returned.

Believe me yours faithfully,

JOSEPH POPE.

## No. 100.

PRIVY COUNCIL, OTTAWA, 20th July, 1891.

The Honourable C. H. TUPPER.

DEAR MR. TUPPER,—By direction of the first minister, I send you copies of two cypher telegrams received to-day from Lord Stanley *re* the present position of the Newfoundland bait question as it affects Canada.

Yours faithfully,

JOSEPH POPE.

[Enclosure 1 in No. 100.]

*From Lord Stanley to the Honourable J. J. C. Abbott.*

NEW RICHMOND, P.Q., 18th July, 1891.

Following telegram sent to governor Newfoundland, begins—Government here desire to know whether any decision arrived at yet as to permission to Canadian vessels to purchase bait in Newfoundland,—ends.

STANLEY.

[Enclosure 2 in No. 100.]

*From Lord Stanley to the Honourable J. J. C. Abbott.*

NEW RICHMOND, P.Q., 18th July, 1891.

Following received from governor of Newfoundland, telegram begins—In reply to your telegram of to-day, position of affairs unchanged. No relaxation of prohibition against Canadians purchasing bait Newfoundland,—ends.

STANLEY.

## No. 101.

*CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 20th July, 1891.*

The committee of the privy council have had under consideration the annexed report dated 23rd June, 1891, from the minister of marine and fisheries, on the dispatch dated 23rd April, 1891, from Lord Knutsford, transmitting copy of a proclamation by the governor of Newfoundland and instructions in connection with the enforcement of the Bait Act for the season of 1891.

The committee, concurring in the report and recommendations therein contained, advise that your excellency be moved to forward a copy hereof to the right honourable the secretary of state for the colonies.

All which is respectfully submitted.

JOHN J. MCGEE,  
*Clerk of the Privy Council.*

[Enclosure 1 in No. 101.]

DEPARTMENT OF FISHERIES, CANADA,  
OTTAWA, 23rd June, 1891.

To His Excellency

The Governor General in Council.

The undersigned has had referred to him, privy council reference No. 585 H., under date 9th May, 1891, covering a dispatch from the right honourable the principal secretary of state for the colonies, transmitting copy of proclamation by the government of Newfoundland, and instructions in connection with the enforcement of the Bait Act for the present season.

This proclamation is dated 20th March, 1891, and after reciting that whereas the fourth section of "an act to amend and consolidate the laws relating to exportation and sale of bait fishes" provides that: "the governor in council may, from time to time, by proclamation, suspend or limit the operation of this act, and the issue of licenses thereunder, in relation to any district or part of this colony, or the coasts thereof, and for such period and in relation to sale and exportation to such places, or for such purposes, and in such quantities as shall appear expedient and as shall be declared and defined in the proclamation," goes on to say that: "whereas it is expedient to limit the quantity of bait that any vessel, having obtained a license, shall be permitted to take or purchase under the said act, in this colony for the purpose of the fishery, I do, therefore, by this my proclamation, declare that no vessel shall be permitted to take or purchase more than eight barrels of herring for each dory employed by such vessel, or ten barrels of caplin for each dory employed by such vessel, or four barrels of squid for each dory employed by such vessel: and without a new license, no vessel shall be permitted to take or purchase a further supply of herring bait within a period of eighteen days from the date of previous license, or of caplin or squid bait within a period of fourteen days from the date of previous license."

\* \* \* \* \*  
The instructions for magistrates, customs officers, &c., are dated 20th March, 1891, and contain the following:—

"No licenses shall be granted except to Newfoundland and United States fishing vessels." \* \* \*

In this connection the undersigned would invite the attention of your excellency to his report of 17th April last, which was approved by your excellency on the 21st of that

month, and which, after reviewing the whole question at considerable length, recommended that Her Majesty's government be urged to procure legislation by the imperial parliament for the repeal of the act in question.

The undersigned further reports that he has recently received the appended letter (with appendix enclosures) from Mr. John P. Chetwynd, of Halifax, dated at Boone Bay, Newfoundland, remonstrating against the refusal of the Newfoundland authorities to allow him to procure salt herring bait at Fortune Bay, for his lobster traps in St. Barbes district, on the ground that he was a Canadian, although he had been engaged in the fish and lobster packing business in Newfoundland for the past four years.

The undersigned would observe that it appears from the incident related in the above mentioned letter, that it is the intention of the authorities of Newfoundland to place as strict an interpretation upon the act as is possible in the direction of discriminating against Canadian fishermen in favour of foreigners, notwithstanding the assurances to the contrary given both to Her Majesty's government and that of Canada for the purposes of removing objections and promoting royal assent, when seeking allowance of similar legislation in 1887, and he therefore recommends that a copy of this report, if approved, be transmitted to the right honourable the principal secretary of state for the colonies, for the information of Her Majesty's government.

Respectfully submitted,

CHARLES H. TUPPER,  
*Minister of Marine and Fisheries.*

[Enclosure 2 in No. 101.]

BOONE BAY, NEWFOUNDLAND, 16th May, 1891.

HON. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—I take the liberty of sending you copies of telegrams and correspondence which explain themselves. I have been engaged in the fish and lobster packing business in Newfoundland for the past four years, although residing in Halifax, and last spring obtained what herring I required at Fortune Bay for the same purpose as intended this. But when about to leave for Fortune Bay, this spring, it was intimated to me that there was a possibility of being an objection made, but as the herring were to be salted and only fit for lobster bait, as also to be landed at and used in another part of the island, it appeared absurd that any objection would be offered, and it was only as a matter of precaution that induced me to make the enquiry. As a matter of fact, herrings are not available at the places referred to until the middle or latter part of this month, and I am now waiting here for the purpose of getting bait, in the meantime being under heavy expenses and consequent loss. In conclusion, may I ask you to kindly favour me with your opinion in the matter, which appears to be a peculiar construction of the Bait Act, to say the least.

I have the honour to be, &c.,

JOHN P. CHETWYND.

[Enclosure 3 in No. 101.]

*Copy of telegram sent.*

LA POILE, NEWFOUNDLAND, 10th April, 1891.

Messrs. McDougall & Templeton,  
St. Johns.

Have vessel here bound Fortune Bay for part load salt herring lobster bait St. Barbes and factories north: does Bait Act prevent getting them? Will give bond to land there, collector to sign receipt.—Ascertain positive and wire immediately.

JOHN P. CHETWYND.

23c to 23h—7

[Enclosure 4 in No. 101.]

Copy of telegram received.

St. John's, 10th April, 1891

JOHN P. CHETWEND,  
La Poile.

Attorney general says Bait Act positively prevents your getting herring Fortune Bay, but you can purchase requirements St. Barbes district.

McDOUGALL &amp; TEMPLETON.

[Enclosure 5 in No. 101.]

*Extract from McDougall and Templeton's letter in reference to same.*

When we received your telegram we immediately called on the attorney general and got his opinion *re* the Bait Act, and your application to procure salt herring at Fortune Bay to be landed in St. Barbes district for baiting lobster traps, and he informed us that on account of you having the misfortune to be of the Dominion and not a Newfoundlander, that the law as it at present stands prevents your getting herring in Fortune Bay, but that you could get herring in Bay of Islands or Bay St. George without difficulty.

## No. 102.

[Telegram.]

HALIFAX, N.S., 20th July, 1891.

Minister of Marine and Fisheries,

Can Newfoundland government collect duties on Canadian vessels' outfit on fishing voyage Labrador?

W. D. HARRINGTON,  
Collector.

## No. 103.

[Telegram.]

OTTAWA, 22nd July, 1891

W. D. HARRINGTON, Collector of Customs, Halifax, N.S.,

Full particulars must be given of circumstances under which government of Newfoundland exacted duty on fishing outfit, before answering your question,

JOHN TILTON.

## No. 104.

CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council approved by His Excellency the Governor General in Council, on the 31st July, 1891.

The committee of the privy council have had under consideration a despatch, hereto annexed, dated 16th May, 1891, from the high commissioner for Canada in London respecting the Newfoundland tariff.

The ministers of customs, and marine and fisheries, to whom the despatch was referred, submit a report thereon dated 6th July, 1891, herewith.

The committee concur in the report and they advise that your excellency be moved to forward copies hereof to the right Honourable the secretary of state for the colonies.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council



[Enclosure 1 in No. 104]

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
Victoria Chambers, 17 Victoria Street,  
LONDON, S.W., 16th May, 1891.

The Right Honourable  
Sir JOHN A. MACDONALD, G.C.B.,  
Ottawa.

MY DEAR SIR JOHN MACDONALD,—In continuation of my letter, No. 274, of the 8th inst., I beg to transmit, herewith, for your information, copies of two letters I have received from the colonial office on the subject of my representation respecting the Newfoundland tariff; together with a further communication which I have addressed to that department in reply.

I remain yours faithfully,  
CHARLES TUPPER.

[Enclosure 2 in No. 104.]

COLONIAL OFFICE, DOWNING STREET, S.W., 9th May, 1891.

The High Commissioner for the Dominion of Canada.

SIR,—I am directed by Lord Knutsford to acknowledge the receipt of your letter of the 7th instant, respecting the budget resolutions proposed by the receiver general of Newfoundland.

I am to acquaint you that Lord Knutsford is in communication with the governor on the subject.

I am, &c.,  
EDWARD WINGFIELD.

[Enclosure 3 in No. 104.]

COLONIAL OFFICE, S.W., 13th May, 1891.

The High Commissioner for Canada.

SIR,—With reference to the letter from this department of the 9th instant, I am directed by Lord Knutsford to acquaint you that the governor of Newfoundland has pointed out that the resolutions proposed by the receiver general of the colony to which you called attention in your letter of the 7th instant are identical with sections 10 and 12 of the Tariff Act, 50 Vic., cap. 2, at present in force, of which a copy is enclosed.

I am to add that these sections do not appear to confer on the government of Newfoundland any greater power of discrimination against Canada than is conferred by section 3 of cap. 33 of the Revised Statutes of Canada on the government of the dominion of discriminating against Newfoundland.

In these circumstances, Lord Knutsford does not feel justified in directing the governor to reserve the bill embodying the resolutions in question.

I am, &c.,  
JOHN BRAMSTON.

[Enclosure 4 in No. 104.]

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
17 VICTORIA STREET, S.W., 15th May, 1891.

The Under Secretary of State,  
Colonial Office, S.W.

SIR,—I beg to acknowledge the receipt of Mr. Bramston's letter of the 13th instant, with reference to the resolutions proposed by the receiver general of Newfoundland, to which I called attention in my letter of the 7th instant.

23c to 23h—7½

In the second paragraph of Mr. Bramston's letter it is stated :—

"I am to add that these sections do not appear to confer on the government of Newfoundland any greater power of discriminating against Canada than is conferred by section 3 of cap. 33 of the Revised Statutes of Canada on the government of the Dominion of discriminating against Newfoundland."

I should like to say upon that point that the section of cap. 33 of the Revised Statutes of Canada provides not for an increase of duty in certain contingencies, but for a reduction, and that it does not apply to the United States alone, but to Newfoundland also. I may add that the government have used the power conferred upon them to make fish and fish products from Newfoundland practically free of duty.

On the other hand, the proposed Newfoundland legislation, although certain portions of it may be a re-enactment, provides for increased duties which may be used as against Canada and other parts of the empire, and in favour of other countries; and the last resolution, which is entirely new, provides for direct discrimination in certain circumstances in favour of the United States against every other country, no power being taken to grant similar reductions to British subjects. This is certainly contrary to the practice which has hitherto prevailed, and as defined in the instructions issued under date of 28th March, 1876, to the governor and commander in chief of Newfoundland and its dependencies, in which it is provided that the governor is not to assent to "any bill imposing differential duties," or to "any bill of an extraordinary nature and importance, whereby the prerogative or the rights and property of our subjects not residing in our said colony, or the trade and shipping of the united kingdom, and its dependencies, may be prejudiced." It seems to me also that such legislation tends to establish a precedent which may be fraught with inconvenience and difficulty in the future. In this connection I need only refer again to the last paragraph but one in my letter of the 7th instant, as instancing the policy of Canada towards the other colonies of the empire when negotiations were pending with Spain for regulating the commercial relations between the Dominion and the Spanish Antilles.

I venture, therefore, to again express the opinion that the matter is one to which the attention of Her Majesty's government should be directed.

I am, sir, your most obedient servant,

CHARLES TUPPER,  
*High Commissioner.*

[Enclosure 5 in No. 104.]

DEPARTMENT OF FISHERIES, CANADA,  
OTTAWA, 6th July, 1891.

To His Excellency

The Governor General in Council.

The undersigned have had referred to them a reference from the honourable the privy council, No. 619 H., under the date 28th May, 1891, covering a communication from the high commissioner for Canada, in London, dated 16th May.

The high commissioner reverts to his letter of 8th May, on which the undersigned had the honour of jointly reporting to your excellency on the 15th ultimo, in which report your excellency's attention was called to a bill providing for legislation by the Newfoundland government, which would empower that colony to arrange its tariff in such a manner as to directly discriminate against Canadians and other British subjects, in favour of citizens of the United States.

It was advanced that in view of the attitude already assumed by Newfoundland towards Canada, there was much reason to fear an unfriendly exercise of the power which royal assent to the bill in question would confer upon the government of Newfoundland; and Her Majesty's intervention was sought to secure its disallowance.

The high commissioner now encloses copies of two letters on the subject which he has received from the colonial office, together with his reply thereto.

It will be observed that the right honourable the principal secretary of state for the colonies did not feel justified in directing the governor of Newfoundland to reserve the bill in question, being of opinion that the section referred to did not appear to confer on the government of Newfoundland any greater power of discriminating against Canada than is conferred by section 3 of cap. 33 of the Revised Statutes of Canada on the government of the Dominion of discriminating against Newfoundland. The high commissioner pointed out, however, that the section of the Canadian act above referred to, provides not for an increase, but for a reduction of duties in certain contingencies, and that it applies equally to the United States and Newfoundland. And he added the government have used the power conferred upon them by this section to make fish and fish products from Newfoundland free of duty.

While on the other hand he explained that the proposed Newfoundland legislation was objected to because it provided for increased duties which could be used as against Canada and other portions of the empire, and in favour of other countries; and that a part of it which is entirely new, provides for direct discrimination under certain circumstances in favour of the United States against all other countries; no power being taken to grant similar reductions to British subjects.

Sir Charles Tupper proceeded to point out that such was contrary to the practice hitherto prevailing, and as defined in the instructions of 28th March, 1876, to the governor and commander in chief of Newfoundland. These instructions provide that the governor is not to assent to "any bill imposing differential duties" or to "any bill of an extraordinary nature and importance, whereby the prerogative or the rights and property of our subjects not residing in our said colony, or of the united kingdom, and its dependencies, may be prejudiced."

The high commissioner also expressed the opinion that such legislation would tend to the establishment of a precedent which may be fraught with future inconvenience and difficulty, and he concluded by inviting attention to a previous letter from him in which he instanced the policy of Canada in 1884, when the question of the proposed negotiations between Great Britain and Spain, for the arrangement of closer commercial relations between Canada and the Spanish Antilles was under discussion, Canada was then prepared to extend any concessions which might be granted to the Spanish Antilles to the British West Indies on similar terms, and may at least fairly ask to be placed in a similar position, so far as Newfoundland is concerned.

The undersigned beg to state that they strongly support the views of the high commissioner in this matter, and recommend that your excellency be moved to cause him to be informed that his action meets with the approval of your excellency's government.

They desire at the same time to add that they believe they cannot too earnestly express the hope that before finally deciding to formally assent to this anomalous legislation, admitting as it does of such discrimination to the detriment of British subjects in Canada and Canadian interests, Her Majesty's government be strongly urged to most carefully consider the objections which have been raised against it on behalf of Her Majesty's subjects residing in Canada.

Since the joint report of the undersigned on this subject, dated 15th ultimo, the minister of marine and fisheries has had occasion to report to your excellency upon a proclamation by the governor of Newfoundland in connection with the enforcement of the Bait Act, and the instructions to magistrates, customs officers, &c., which direct that "no licenses shall be granted except to Newfoundland and United States fishing vessels."

To this report the minister also appended correspondence with a Canadian fish dealer who had for four years conducted a business in that colony, which shows that instead of relinquishing the unfriendly position assumed towards Canada, a more narrow interpretation than ever before was being placed upon the act, as against Canadians. On the 18th ultimo, the minister was informed by the colonial secretary of Newfoundland that no relaxation of the regulations had taken place.

The undersigned believe that under ordinary circumstances such legislation might not have any significance, beyond providing power for extraordinary and remote contingencies, which power would never be exercised against fellow British subjects. Considering, however, the facts above related, and the circumstances (so well known to your excellency and Her Majesty's government) attending the allowance of the bait bill, it is quite evident that the attitude of the Newfoundland authorities towards Canada will lead to still further unfriendly relations, should her past and present actions remain unchanged.

The undersigned, therefore, view with alarm the possibilities which could arise out of the existence on the statute books of Newfoundland of the power now sought to be taken by that colony.

They, therefore, beg again to call the attention of your excellency to the consequences likely to attend the allowance of this bill, which contemplates such additional power of discrimination, and recommend that a copy of this report be transmitted to the right honourable the principal secretary of state for the colonies, for submission to Her Majesty's government, with the expression of an earnest hope that some means may be devised to secure to Her Majesty's subjects in Canada, in their intercourse with the colony of Newfoundland, at least as favourable terms as are freely extended by that colony to citizens of the neighbouring republic.

Respectfully submitted,

M. BOWELL,

*Minister of Customs.*

CHARLES H. TUPPER,

*Minister of Marine and Fisheries.*

No. 105.

(Telegram.)

St. PIERRE, Miq., 3rd August, 1891.

Hon. C. H. TUPPER,

Minister of Marine and Fisheries.

Am master "Hazel Dell," Yarmouth. Telegraphed colonial secretary, Newfoundland, if possible enter for bait. Replied, no. I heard law changed. Reply.

HEDLEY RIDER,

*Captain.*

No. 106.

(Telegram.)

OTTAWA, 3rd August, 1891.

HEDLEY RIDER,

St. Pierre, Miq

Have no notice withdrawal prohibition or change of law.

CHARLES H. TUPPER.

No. 107.

*Lord Knutsford to Lord Stanley of Preston.*

The Governor General,

&c.

&c.

&c.

DOWNING STREET, 4th August, 1891.

MY LORD,—With reference to the correspondence noted in the margin, I have the honour to acquaint you for the information of your ministers that the government of Newfoundland has declined to accept the opinion of the law officers of the crown that their action in refusing to issue bait licenses to Canadian fishermen is *ultra vires* and illegal and have decided to maintain the prohibition.

I enclose for submission to your government a copy of a memorandum by the Newfoundland delegates stating the condition on which, as they had informed the Dominion government this year, the impediments to their obtaining bait would be immediately removed.

Should your government not find themselves able to accept these proposals, I have intimated to the government of Newfoundland that, as the question is one of serious importance to both governments, it should be submitted to the judicial committee of the privy council, and have informed them that a joint case stating the facts should be prepared on behalf of the governments of the Dominion and Newfoundland which I shall then be ready to advise Her Majesty to refer to the judicial committee, under section 4 of the Act 3 and 4, Will. IV, cap. 41.

I shall be glad to be favoured with the views of your government on this proposal, and I should be pleased to learn that they are in communication with the government of Newfoundland in regard to the proposed case.

I have, &c.,

KNUTSFORD

[Enclosure 1 in No. 107.]

MEMORANDUM.

"A."

*Bait controversy between Newfoundland and Canada.*

The Newfoundland bait bill for the purpose of excluding the French came into operation in 1888. Canada was aware that the object was to exclude the French from getting bait. Canada asked and obtained permission to get bait in Newfoundland in the same way as Newfoundlanders. During 1888, 1889 and 1890, Canadians from Magdalen Islands, Cape Breton and from Newfoundland supplied bait to the French at St. Pierre—thus to a certain extent frustrating the object of the Newfoundland act.

In 1891, Canadians were informed that Newfoundland would withhold from them bait unless they took measures to stop Canadian vessels from carrying bait from Canada and Newfoundland to the French and otherwise assisted in preventing the French from getting bait and helped to recompense certain of the losses made by stopping the bait to the French.

They were also informed that as soon as they promised to take measures to these ends, the embargo on bait would be immediately removed without waiting for the measures to be taken.

The Newfoundland executive thought that these terms were equitable and are ready to carry them out at any moment.

Hotel Metropole, 4th July, 1891.

No. 108.

[Telegram.]

ST. PIERRE, MIQUELON, 8th August, 1891.

Hon. C. H. TUPPER.

Will you give Canadian vessels permission to get bait on Newfoundland?

ANGUS HINES.

No. 109.

[Telegram.]

OTTAWA, 8th August, 1891.

ANGUS HINES, St. Pierre, Miquelon,

Have no authority grant permission to get bait Newfoundland.

CHARLES H. TUPPER.

**No. 110.***Lord Knutsford to Lord Stanley of Preston.*

DOWNING ST., 23rd August, 1891.

His Excellency the Governor General.

MY LORD,—I have the honor to acknowledge the receipt of your lordship's despatch No. 188 of the 31st ultimo, enclosing a privy council minute with the report of the minister of marine and fisheries respecting the proclamation and instructions issued by the government of Newfoundland for the enforcement of the Bait Act of that colony during the present season.

I have to refer your government to my despatch No. 180 of the 4th instant on the subject.

I have, etc.,

KNUTSFORD.

**No. 111.**

OTTAWA, 26th August, 1891.

HON. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—We notice by late papers that the government intend taking steps towards obtaining compensation for losses sustained by parties in Bay St. George, through the action of the French admiral, and desire to remind you of the claims of Messrs. John Allen & Sons, which is now in your hands, and respectfully suggest, if not already done, it be placed before the imperial authorities immediately, with a view to having it discussed and if possible recognized and paid by the Newfoundland government, in case their claims should receive favourable consideration.

We have the honour to be, sir,

Your obedient servants,

T. E. KENNY.

JOHN. F. STAIRS.

**No. 112.**

OTTAWA, 26th August, 1891.

MESSRS. T. E. KENNY, Esq., M.P.  
J. F. STAIRS, Esq., M.P.  
House of Commons,  
Ottawa.

DEAR SIR,—In answer to your letter of the 26th instant, I beg to say that a report was made to council on the 12th May last, recommending that the statement of Mr. James Allen, owner of the British schooner "Ocean Belle" be forwarded to the secretary of state for the colonies, with a request that the claim might be brought to the attention of the government of Newfoundland.

Yours faithfully,

CHARLES H. TUPPER.

**No. 113.**

OTTAWA, 19th September, 1891.

THE HON. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

SIR,—I am asked by Mr. George E. Boak, of Halifax, to bring to the notice of the dominion government the importance of urging the imperial government to obtain from

the judicial committee of the privy council an immediate decision as to the validity of the regulations of the Newfoundland government, respecting bait, which discriminate against Canadian fishermen.

Mr. Boak points out the very great loss Canadian fishermen were put to last season, and the hardship it would be for them to lose another season.

I have therefore to request that such steps be taken as may be deemed expedient to bring to the notice of the imperial government the importance of obtaining an immediate decision from the judicial committee.

I have the honour to be, sir,

Your obedient servant,

JOHN F. STAIRS.

#### No. 114.

OTTAWA, 30th September, 1891.

Messrs. Muir & Son,  
Halifax, N.S.

SIRS,—In reply to your letter of the 22nd instant, as to whether a Canadian vessel going to Newfoundland for the purpose of purchasing a cargo of frozen herring, to be disposed of either in Canada or the United States, is liable to seizure by the Newfoundland government, I beg to say that according to the terms of the instructions issued by the Newfoundland government to the magistrates, customs officers, &c., no licenses to purchase bait, or take bait fishes, will be granted to Canadian vessels.

I may add, as stated by me in the house of commons on Saturday last, that the government has been most persistent in its efforts to effect a settlement of the difficulty; and I may safely state that negotiations are approaching that stage when we ought to expect a satisfactory settlement before the next fishing season.

Yours faithfully,

CHARLES H. TUPPER.

#### No. 115.

*Copy of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 21st September, 1891.*

The committee of the privy council have had under consideration a communication, hereto attached, dated 16th May, 1891, from the high commissioner for Canada, forwarding copies of correspondence which has passed between him and the colonial office, and also between Sir William Whiteway and the colonial office, on the subject of the enforcement against Canada of the Newfoundland Bait Act of 1889.

The minister of marine and fisheries, to whom the communication and enclosures were referred, observes that, in his letter dated 4th May, to the secretary of state for the colonies, Sir William Whiteway, Premier and Attorney General of Newfoundland, seeks to justify the non-observance by his government of the pledges of Sir Robert Thorburn and Sir Ambrose Shea, on the ground that they were made upon a protest of the Dominion government against the legislation proposed, which, he urges, the Canadian government had no right to make; and which protest, Sir William Whiteway thinks, would not have been held by Her Majesty's government to be a valid reason for recommending the withholding of royal assent. Also, that Sir Robert Thorburn could make no such promise that would be binding upon the government of Newfoundland.

The minister, upon this argument, has nothing to add to the history of this case submitted in the approved minute of the privy council under date 21st April, 1891, already communicated to Her Majesty's government, wherein it was shown beyond reasonable doubt that it was upon these assurances alone that Her Majesty's ministers were induced to recommend royal assent to the legislation.



The minister further observes that under these circumstances it would seem that, whatever may be the views of the present administration of the government of Newfoundland upon the subject, or the interpretation Sir William Whiteway places upon his promise to "do what he could to meet the difficulty" after learning the engagements of his predecessors, there exists in fact an obligation to fulfil the pledges upon which the assent of Her Majesty's government to the legislation in question was obtained.

The minister, apart entirely from the legal aspect of the legislation, submits that the failure to fulfil the engagements entered into on behalf of the government of Newfoundland, avowedly to promote the allowance of the proposed legislation, renders imperial legislation for its repeal justifiable.

When, however, it is considered that the act has been used for the very purpose of directly discriminating against British subjects in favour of citizens of a foreign nation, the request already communicated to Her Majesty's government for repeal of the act finds further justification.

The minister recommends that the high commissioner for Canada be informed that his action in this matter meets with the approval of your excellency's government.

The minister of marine and fisheries also takes this opportunity of inviting your excellency's attention to his report of the 23rd June, 1891, approved under the minute of council of the 20th July, 1891, dealing with a proclamation and instruction of the government of Newfoundland regarding the enforcement of the Bait Act during the present season. To this report was appended a communication with enclosures from Mr. Chetwynd, of Halifax, which showed to what extent this inexcusable discrimination is being enforced against Canadian fishermen in British waters in favour of those of a foreign nation.

The minister also desires to state that he having received the following confidential cablegram from the high commissioner for Canada:—"Confidential letter from colonial office states law officers have advised Newfoundland government not empowered by act 1887, or entitled apart that act to exclude Canadian or other British fishermen from obtaining licenses, and this Government informed and hope expressed prohibition against Canadian fishermen will be at once withdrawn."

He telegraphed to the colonial secretary of Newfoundland as follows:—

"Fourteen vessels from Lunenburg desire bait from your ports. Kindly cable whether they can now do so."

To this, he regrets to inform your excellency, he received the following answer:—"Position unchanged. Regulations have not been relaxed."

The committee, on the recommendation of the minister of marine and fisheries, advise that your excellency be moved to transmit a copy of this minute if approved to the right honourable the secretary of state for the colonies for the information of Her Majesty's government.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
*Clerk of the Privy Council.*

[Enclosure 1 in No. 115.]

OFFICE OF THE HIGH COMMISSIONER FOR CANADA,  
Victoria Chambers, 17 Victoria Street,  
LONDON, S.W., 16th May, 1891.

The Right Honourable SIR JOHN A. MACDONALD, G.C.B., &c., &c., &c., Ottawa.

MY DEAR SIR JOHN MACDONALD,—Following up my despatch, No. 275, of the 8th instant, I enclose for your information a copy of a letter which I have received from the colonial office respecting the enforcement of the Newfoundland Bait Act against Canadian fishermen; together with a copy of the correspondence between that department and Sir W. Whiteway upon the subject, which accompanied it. I do not send the other enclosures, as they consist of communications between the governor general and the secretary of state for the colonies, which you will already have.

I also forward a copy of a further letter which I addressed to the colonial office upon the subject yesterday.

I remain yours faithfully,  
CHARLES TUPPER.

[Enclosure 2 in No. 115.]

COLONIAL OFFICE, S.W., 12th May, 1891.

THE HIGH COMMISSIONER FOR CANADA.

SIR,—With reference to your letter of the 28th ultimo, I am directed by Lord Knutsford to transmit to you copies of correspondence respecting the enforcement of the Newfoundland Bait Act against Canadian vessels.

I am, &c.,  
ROBERT G. W. HERBERT.

[Enclosure 3 in No. 115.]

*Colonial Office to Sir W. Whiteway.*

DOWNING STREET, S.W., 25th April, 1891.

SIR W. WHITEWAY, K.C.M.G.

SIR,—I am directed by Lord Knutsford to acquaint you that he has received a telegram from the governor general of Canada stating that the Dominion government earnestly protest against the unfavourable treatment of Canadian vessels by the government of Newfoundland under the Bait Act of 1889.

They point out that the bait act of 1887, of which that of 1889 is a consolidation, was only assented to by Her Majesty after an assurance had been given by the then government of Newfoundland that the fullest rights and privileges to procure bait for their own use, such as they had previously enjoyed, would be extended to all British fishermen.

Contrary to this assurance, the Bait Act of 1889 is now being rigorously enforced against Canadian fishermen while fishermen from the United States are exempt, and a large fleet of fishing vessels from Nova Scotia are now in great distress for want of early spring bait owing to their exclusion from Newfoundland ports.

The assurances referred to as having been given by the government of Newfoundland are contained in Sir R. Thorburn's letter to this department of the 27th of April, 1887, and in the telegraphic correspondence which is enclosed, and it will be within your recollection that, in the discussion which you and your fellow delegates had last year in this office with Sir C. Tupper and Sir J. Thompson as to the terms on which bait licenses should be issued to Canadian fishermen, you were understood to promise to make arrangements consistent with that assurance.

Lord Knutsford will be glad to be favoured with any remarks which you may wish to offer on this matter.

I am, &c.,  
EDWARD WINGFIELD.

[Enclosure 4 in No. 115.]

*The Colonial Office to Sir W. Whiteway.*

DOWNING STREET, 30th April, 1891.

SIR WM. WHITEWAY, K.C.M.G.

SIR,—With reference to the letter from this department of the 25th instant, I am directed by Lord Knutsford to transmit for your consideration a copy of a letter from the high commissioner for Canada on the subject of the enforcement of the Bait Act against Canadian fishermen.

I am to point out that, putting aside for the moment the question whether it is lawful and constitutional to exclude some British subjects from fishing in British waters open to other British subjects, Her Majesty's government press upon you the desirability on all grounds of at once removing these restrictions upon Canadian fishermen.

I am, &c.,

ROBERT G. W. HERBERT.

[Enclosure 5 in No. 115.]

*Sir W. Whiteway to Colonial Office.*

Sir ROBERT HERBERT, K.C.M.G.

HOTEL MÉTROPOLE, 4th May, 1891.

SIR,—I have the honour to acknowledge the receipt of a letter from Mr. Wingfield, of your department, of the 25th ultimo, and also your letter of the 30th ultimo, enclosing a communication from Sir Charles Tupper, with copy of cuttings from the *Montreal Gazette*. To both of these letters I now beg leave to reply.

In the first place, permit me to correct an error contained in the letter of Mr. Wingfield. Referring to a letter of Sir Robert Thornburn, dated the 27th April, 1887, and the assurance contained therein, Mr. Wingfield says that at the interview had last year at the colonial office by me and my fellow-delegates with Sir C. Tupper and Sir J. Thompson, I was "understood to promise to make arrangements consistent with that assurance." On the occasion of an interview with Lord Knutsford and the gentlemen referred to, I was accompanied by only Mr. Emerson, and this must be the interview to which Mr. Wingfield refers, as I had no other, and I hardly think that Sir Charles Tupper, or Sir John Thompson, or you, who, I believe, was present, will undertake to affirm that I made any promise on that occasion.

Before leaving St. Johns, upon my present mission, the Colonial Secretary, Mr. Bond, received a cable from Mr. Charles Tupper, Minister of Marine and Fisheries, remonstrating against the action of the Newfoundland government respecting the Bait Act after, as he stated, my assurance. I cabled Mr. Charles Tupper to ask to what assurance he referred, and he replied as follows: "High commissioner reports, 6th August last, Sir William Whiteway said he had only recently learned the engagements made on this question by his predecessors, and recognized their force, and that so soon as the commission appointed to inquire into the whole matter was received, he would do what he could to meet the difficulty. He said he recognized the importance of having cordial relations with Canada."

I fail to see in this any promise, and I would add that upon the occasion designated I distinctly abstained from making any promise.

Mr. Wingfield's letter would have been replied to before, but I have had to cable to Newfoundland for the foregoing.

I very much regret the action of Sir Charles Tupper and that of the Dominion government, evidencing, as it appears to me, a determination to use their influence, which no doubt is powerful, to prejudice the interests of Newfoundland, apparent from the references which I shall have occasion to make.

Sir Charles Tupper submits that the present action of the Newfoundland government is unconstitutional. If such were the case, why did he consider it necessary to protest against the Bait Act of 1886 receiving Her Majesty's assent? For if Canadian fishermen could not be constitutionally excluded under its provisions, no injury could have been done by its becoming law. I submit, upon the other hand, that the action of the Newfoundland government is absolutely necessary for the protection of its fisheries, and in accord with its constitution.

With respect to Sir Robert Thornburn's promise, it appears to have been obtained upon a protest of the Dominion government against the Bait Act, and I submit that the Dominion government had no right to make such a protest, and that Her Majesty's

government would not have held such protest to be a valid reason for advising Her Majesty to refuse her assent to an act having for its object the protection of the fisheries of Newfoundland.

I submit also that Sir Robert Thorburn could make no promise which could be held to be binding in relation to the parties with respect to whom or against whom the act should or should not operate or be enforced.

In addition, Sir Robert Thorburn could never have anticipated, when he made the promise that Canadian fishermen would have been employed in furnishing a supply of bait to the French, knowing, as the Dominion government knew, that the object of the act was to prevent it.

The action of Canadian fishermen in carrying a large supply of bait to St. Pierre has had the effect of thwarting the very object for which the Bait Act was passed; and whilst, for the preservation of our fisheries generally, a number of our people have suffered in being stopped in a trade which they had carried on with profit for many years, Canadian fishermen have prosecuted vigorously the same business, not only in smuggling bait from Newfoundland to St. Pierre in contravention of the Bait Act, but in conveying the same from ports in the Dominion to the same place.

I may add that it was not until I arrived in London last July that I was made fully aware of the nature of the promise made by Sir Robert Thorburn.

Mr. Harvey and I had the pleasure of a conference with Sir Charles Tupper last week, when the complaints which we have were explained, and appeared to be fully appreciated by him. The Dominion fishermen are interested as we are in counteracting the effect of French bounties.

A reasonable solution of the difficulty was then suggested and telegraphed by him to the Dominion government, which was to the effect that the Dominion parliament should pass an act similar to the Bait Act, that the Dominion government should co-operate with us in the execution of these laws, and also afford aid in the compensation of those residents in Newfoundland who had as before mentioned carried on the bait supplying business. Had the answer been satisfactory, I should have forthwith cabled the suggestion to my colleagues in the executive council for their consideration and approval, but since then I have received no communication from Sir Charles Tupper upon the subject.

I have also had interviews with Senator Howlan, who brought me a letter from Sir John A. Macdonald especially designating him to confer upon this subject, and he informed me that he had cabled the result of our conferences, which was to the same effect as that cabled by Sir C. Tupper; whilst he was very anxious to obtain a supply of bait to the Dominion fishermen, he expressed himself as fully appreciating the necessity for adopting the course pursued, and concurred in the suggested solution.

The unfriendly and unjustifiable action of the Dominion government in urging, and so far with success, upon Her Majesty's government the withholding assent to the Newfoundland and United States convention, has aroused a bitter spirit of resentment on the part of a large majority of the people of the colony.

The Dominion government having failed to procure an arrangement with the United States is most unfairly, in our opinion, exercising its influence to debar Newfoundland from obtaining an advantage, because Canada cannot induce the United States to concede the same privileges to her. The subordination of the interests of Newfoundland to those of Canada is working great injury to the former. This is deeply felt, adding, as it does, to the difficulties under which at present the colony is suffering.

It is the fervent hope, in which I share, that this objection may be overruled and the convention assented to.

I have, &c.,

W. V. WHITEWAY.

[Enclosure 6 in No. 115.]

## OFFICE OF THE HIGH COMMISSIONER FOR CANADA.

17 VICTORIA STREET, S.W., 15th May, 1891.

The Under Secretary of State,  
Colonial Office, S.W.

SIR,—I beg to acknowledge the receipt of your letter of the 12th instant, and its enclosures, respecting the enforcement of the Newfoundland Bait Act against Canadian fishermen.

I do not think it is necessary for me to again point out that the Bait Act only received the royal assent upon the most distinct and positive assurances made by a former Newfoundland government that its provisions would not be applied against Canadians; neither need I refer to the statement of the secretary of state that it was upon these assurances, which were deemed to be effective, that Her Majesty was advised to permit the bill to become law.

It does not seem to me that Sir William Whiteway's letter contains any reason whatever for the neglect to carry out the solemn pledges to which I have referred. I have no official information that the Bait Act has in previous years been nullified to any extent by Canadian fishermen having smuggled bait from Newfoundland to St. Pierre and Miquelon. I can only say that the Canadian government will be happy to investigate any cases that may have occurred, and to co-operate with the Newfoundland government in preventing anything of the kind taking place.

There is only one point in Sir William Whiteway's letter of the 4th instant to which I would refer. It is the following paragraph:—

"A reasonable solution of the difficulty was then suggested and telegraphed by him (Sir Charles Tupper) to the Dominion government, which was to the effect that the Dominion parliament should pass an act similar to the Bait Act, that the Dominion government should co-operate with us in the execution of these laws, and also afford aid in the compensation of these residents in Newfoundland who had as before mentioned carried on the bait supplying business. Had the answer been satisfactory, I should have forthwith cabled the suggestion to my colleagues in the executive council for their consideration and approval, but since then I have received no communication from Sir Charles Tupper upon the subject."

It is right I should place upon record that I expressed no opinion myself in regard to the above suggestion, and that I merely promised Sir William Whiteway and Mr. Harvey to communicate it as their views to Sir John Macdonald, and to ask him what he thought of it. This is what I did, as will be seen from my telegram to Sir John which I beg to quote for Lord Knutsford's information:—

"Have had long conference with delegates. It is claimed that Canada is deeply interested as Newfoundland in maintenance of Bait Act against the bounty-fed French fish; that Canada should pass similar act and join with Newfoundland in enforcing it, and also aid Newfoundland in compensating bait fishermen at Fortune and Placentia Bays who are sufferers by Bait Act as early supply is confined to those places. What do you think of this?"

I was not surprised that the Dominion government felt unable to entertain these proposals, in view of the breach of faith shown by Sir William Whiteway's government, and its failure to carry out the pledges to which I have referred, and which were observed by their predecessors in office.

The other matters to which Sir William Whiteway refers I am sure I need not enter into, and I will only express the hope that the Newfoundland government will yet see its way to treating Canadian fishermen as fellow British subjects, and not exclude them from privileges which are being freely offered to a country outside the limits of the British empire.

I am, sir,

Your most obedient servant,

CHARLES TUPPER,

*High Commissioner.*

## No 116.

HALIFAX, N.S., 22nd September, 1881.

Hon. C. H. TUPPER,  
Minister of Marine, Ottawa.

SIR,—We would respectfully ask to be advised if a Canadian vessel going to Newfoundland, for the purpose of purchasing a cargo of frozen herring, to be disposed of either in Canada or the United States, is liable to seizure by the Newfoundland government? We make this enquiry on behalf of several vessel owners who intend making a trip to Newfoundland for that purpose during the coming winter, but who would not do so if the laws of Newfoundland prohibit the sale or purchase of herring under such circumstances, and render vessels so employed liable to seizure.

We may add that this enquiry is prompted by the recollection of the disputes during last winter and spring between the agents of the Newfoundland government and masters of Canadian vessels.

Your obedient servants,  
WM. MUIR & SON

## No. 117.

OTTAWA, 24th September, 1891.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries, Ottawa.

DEAR SIR,—I enclose you a letter from Messrs. John Allen & Sons, of Halifax, referring to their claim against the government of Newfoundland, respecting which I have already written you.

In reply, will you please return the letter, advising if there be anything new in connection with their case that I can communicate to this firm.

Yours faithfully,  
JOHN F. STAIRS.

[Enclosure 1 in No. 117.]

HALIFAX, N.S., 4th September, 1891.

JOHN F. STAIRS, Esq., M.P.,  
Ottawa.

DEAR SIR,—By your valued favour of the 1st inst., at hand to-day, we note that our claim against the Newfoundland government has been duly forwarded to the secretary of state for the colonies by the honourable the minister of marine.

We trust that during the negotiations our claim will not be lost sight of, but be laid together before the imperial authorities, as it may not receive the same attention if allowed to stand over until those of Newfoundland are arranged.

Attached is a clipping from a late paper which refers to the matters in question. Thanking you and Mr. Kenny for your kind and prompt attention to our interests.

We remain yours faithfully,  
JOHN ALLEN & SONS,  
JOHN C. RUSSELL.

[Enclosure 2 in No. 117.]

## FRENCH INTERFERENCE CLAIMS.

ST. JOHNS, NEWFOUNDLAND, 31st August.

Sir Robert Pinsent, the commissioner appointed by the local government, has received 200 claims for compensation for damages caused by French interference with the herring fishery during the last three years. One of these is for \$6,000; others

range from \$100 to \$4,000. The commissioner closed his investigation to-day. The local government decided to demand compensation for all well established claims from the imperial treasury. The total losses by the people have been large.

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**No. 118.**

OTTAWA, 28th September, 1891.

JOHN F. STAIRS, Esq., M.P.,  
House of Commons, Ottawa.

DEAR SIR,—I have your letter of the 19th instant, applying on behalf of Mr. George E. Boak, of Halifax, for certain information with regard to the state of negotiations respecting the enforcement of the Bait Act against Canadians by the Newfoundland government.

I may say, as stated by me in the house of commons on Saturday last, that the government has been most persistent in its efforts to effect a settlement of the difficulty; and I may safely state that negotiations are approaching that state when we ought to expect a satisfactory settlement before the next fishing season.

Yours faithfully,

CHARLES H. TUPPER.

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**No. 119.**

*Lord Knutsford to Lord Stanley of Preston.*

DOWNING STREET, 2nd October, 1891.

Governor General  
The Right Honourable  
LORD STANLEY OF PRESTON.

MY LORD,—I have the honour to acknowledge the receipt of your despatch No. 258 of the 1st instant, enclosing copy of an approved minute of your privy council on the subject of the enforcement against Canada of the Newfoundland Bait Act of 1889.

I observe that no mention is made in these papers of my despatch No. 180 of the 4th of August last, which pointed out a mode of solving the difficulties connected with this question, I should be glad to receive the views of your ministers in regard to the suggestions contained in that despatch. In the meantime, I have communicated to the governor of Newfoundland a copy of your despatch and of its enclosure for the consideration of his government.

I have, &c.,

KNUTSFORD.

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**No. 120.**

*Colonial Office to Governor General.*

DOWNING STREET, 6th October, 1891.

The Governor General,  
Ottawa.

MY LORD,—I have the honour to acknowledge the receipt of your lordship's despatches Nos. 196 and 197 of the 8th and 10th of August, respectively, with their enclosures, respecting the Newfoundland tariff.

Since the date of the joint report by the ministers of customs and fisheries, which accompanies the latter despatch, your government will no doubt have had before them the reply which I caused to be returned to the high commissioner's letter of the 15th May, in which it was pointed out, with reference to the last of the Newfoundland tariff



resolutions, that its coming into force was dependent on the ratification of the convention between that colony and the United States, and that such ratification had been deferred by Her Majesty's government until it has been ascertained whether some general arrangement was practicable between the United States and the whole of Her Majesty's dominions in North America; and your government may rest assured that in any event Her Majesty's government will not lose sight of the interests of Canada in this matter.

With regard to the other resolutions complained of, they are, as pointed out in the letter from this department of the 13th May, identical with sections 10 and 11 of the existing tariff act, which would remain in force if the bill embodying the resolutions complained of were disallowed.

I have, etc.,  
KNUTSFORD.

No. 121.

HALIFAX, N. S., 29th October, 1891.

HON. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—Referring to your letter of the 28th of Sept. last; with regard to the state of negotiations respecting the enforcement of the Bait Act against the Canadians by the Newfoundland government, I beg to point out that Mr. G. C. Boak, of Halifax, brings to my notice that the bait question is only one of the many difficulties which Canadians have experienced in Newfoundland. He reminds me that every fall a large number of vessels have been going to Fortune and Placentia Bay for frozen herring. Some vessels there last year got loads, but finally the Newfoundland coast guard steamer stopped the traffic.

Will you kindly advise me, for the benefit of Mr. Boak and others interested in the Newfoundland trade, whether this state of affairs still exists? If so, would it not be well if the government would correspond with the Newfoundland government on this point?

Yours faithfully,  
JOHN F. STAIRS.

No. 122.

OTTAWA, 3rd November, 1891.

JOHN F. STAIRS, Esq., M. P.  
Halifax, N. S.

MY DEAR SIR,—I beg to acknowledge receipt of your letter of the 29th October, touching Mr. Boak's point in reference to the bait question.

I have not failed to observe the unfortunate fact that some of our vessels were prevented last year from obtaining frozen herring.

It will be observed that the Bait Act pretends to authorize the governor to prohibit the exportation, or sale, or purchase, or taking of bait fishes of any sort without a license. Though the frozen herring, which are not to be used for bait, the construction of the act and the order in council under it are made to cover them as bait fishes.

In the proceedings that are contemplated, I have not overlooked the important suggestion made by Mr. Boak.

I regret that at present there is no change in the position of affairs, and that the government of Newfoundland insists upon refusing the granting of licenses to Canadian vessels for any of the above purposes. I have, however, on your suggestion, asked his excellency to make a further enquiry of the governor of Newfoundland, touching the traffic in frozen herring at this juncture.

I am yours faithfully,  
CHARLES H. TUPPER.

**No. 123.**

November 3rd, 1891.

To His Excellency  
The Governor General of Canada.

My LORD,—Touching the unfortunate dead-lock between Newfoundland and Canada in reference to the fisheries, I promised Mr. Stairs, M.P. for Halifax, N. S., I would ask your excellency to enquire by cable of the governor of Newfoundland whether the present prohibition against Canadian vessels extended to the traffic in frozen herring. I have reason to believe that it does.

Nevertheless, I have promised Mr. Stairs I would ask your excellency to obtain a definite reply.

I have the honour to be, my lord,  
Your excellency's obedient servant,  
CHARLES H. TUPPER.

**No. 124.**

[Telegram.]

LITTLE GLACE BAY, C. B., 9th November, 1891.

HON. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Can our Nova Scotia vessels go down to Western Newfoundland for frozen fish?  
D. McKEEN.

**No. 125.**

[Telegram.]

OTTAWA, 10th November, 1891.

D. McKeen, Esq., M.P.  
Little Glace Bay, N.S.

I fear no change in policy Newfoundland government yet, but am enquiring as to frozen fish.

Our vessels were prohibited at last accounts.

CHARLES H. TUPPER.

**No. 126.**

(Telegram.)

LUNENBURG, N.S., 11th November, 1891.

HON. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Cable Newfoundland if Canadian vessels can purchase "frozen herring," not for bait but for American market. Vessels ready to sail; waiting answer.

C. E. KAULBACH.

**No. 127.**

(Telegram.)

OTTAWA, 12th November, 1891.

C. EDWIN KAULBACH, M.P.,  
Lunenburg, N.S.

As at present advised our vessels cannot purchase "frozen herring" at Newfoundland. Have asked for latest information and will advise when answer received.

CHARLES H. TUPPER.

## No. 128.

(Telegram.)

HALIFAX, 13th November, 1891.

Hon. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Can Canadian vessels purchase herring at Newfoundland?

W. D. HARRINGTON.

## No. 129.

(Telegram.)

OTTAWA, 13th November, 1891.

W. D. HARRINGTON, Collector of Customs,  
Halifax, N.S.

Canadian vessels cannot purchase herring under present Bait Act, as interpreted by Newfoundland government. The act covers all bait fishes, whether used for bait or not.

CHARLES H. TUPPER.

## No. 130.

(Telegram.)

LUNENBURG, 13th November, 1891.

Hon. C. H. TUPPER, Ottawa.

Great excitement here. Our vessels excluded from Newfoundland. Serious results. Demand protection imperial government at once.

C. E. KAULBACH.

## No. 131.

OTTAWA, 13th November, 1891.

C. E. KAULBACH, Esq., M.P.,  
Lunenburg, N.S.

SIR,—I have the honour to acknowledge the receipt of your telegram, dated 13th November, 1891, in which you inform me:

"Great excitement here. Our vessels excluded from Newfoundland. Serious results. Demand protection imperial government at once."

I am not sure that I apprehend the direct object of your message.

I have already informed you that the Canadian government had long ago placed the full information concerning the unfortunate affairs to which you refer in the hands of Her Majesty's government in England, and that every effort was being made by Her Majesty's government to enable Canadian vessels to enjoy all commercial privileges in the ports of Newfoundland.

No demand further than such requests as have already been addressed to Her Majesty's government would hasten matters in any way, or bring a conclusion satisfactory to our fishermen and traders.

I shall, however, advise you when possible of any changes in the state of things. Meanwhile, until you have evidence to the contrary, it is only reasonable that you should accept my repeated assurances that nothing is being left undone on the part of the present government to bring about such a change of action on the part of Newfoundland as you so much desire.

CHAS. H. TUPPER.

**No. 132.**

OTTAWA, 19th November, 1891.

D. A. MACKINNON, Esq.,  
Barrister, Georgetown, P.E.I.

SIR,—In reply to your letter of the 3rd instant, addressed to Lieut. A. R. Gordon, R.N., I beg to state that Mr. Henry Dicks' claim was forwarded by the governor general to the proper authorities for submission to the government of Newfoundland; but that the latter government refused to recognise such claim.

The department has the matter on record, and should an opportunity arise it will be brought up again.

I am, sir,

Your obedient servant,  
S. P. BAUSET,  
*Acting Deputy Minister of Fisheries.*

**No. 133.***Governor of Newfoundland to Governor General.*

ST. JOHNS, NEWFOUNDLAND,  
21st November, 1891.

Referring to your telegram of 11th November, restrictions of export of bait fishes, my government regrets action of Canadian government in opposition to Newfoundland's proposed convention with the United States of America and the persistence of Canadian fishermen in supplying the French with bait to the injury of this colony compels Newfoundland in self protection to continue the restrictions of export of herrings.

GOVERNOR.

**No. 134.**

OTTAWA, 21st November, 1891.

ROBERT HOCKIN, Esq.,  
Inspector of Fisheries, Pictou, N.S.

SIR,—The accompanying list of Nova Scotian fishing vessels from the masters of which license fees were exacted by the Newfoundland authorities during the season of 1890, has been prepared with the view of the ultimate return of the money collected by the Newfoundland government. It is necessary, however, that our government should have authority to use the names of the parties aggrieved before taking steps in the matter, and I am directed by the minister to request that you will obtain this requisite authority from the various owners, or managing owners interested, and forward to this department as soon as possible.

I am, sir, your obedient servant,

S. P. BAUSET,  
*Acting Deputy Minister of Fisheries.*

**No. 135.**

*REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 21st November, 1891.*

The committee of the privy council have had under consideration a despatch, dated 4th August, 1891, from the right honourable the secretary of state for the colonies on the subject of the enforcement by the government of Newfoundland of the Bait Act against Canadian fishing vessels.

The sub-committee of council to whom the despatch was referred observe that by a report dated the 12th September, 1891, from the minister of marine and fisheries, approved by your excellency under date 21st September, 1891, it was stated that the minister of marine and fisheries had received a communication from the high commissioner for Canada, conveying the information that a confidential letter from the colonial office announced that the law officers of the crown had advised that the government of Newfoundland was not empowered by the act of 1887, nor entitled apart from that act, to exclude Canadian or other British fishermen from obtaining licenses to procure bait, and that that government had been so informed.

The sub-committee observe that Lord Knutsford's despatch now before them, officially announces that the government of the colony of Newfoundland has declined to accept the opinion of the law officers of the crown.

The despatch also communicates for the information of your excellency's government a memorandum by the Newfoundland delegates, stating the conditions on which the impediment to Canadians obtaining bait would be removed.

The memorandum reads as follows :—

*Memorandum.*

Bait controversy between Newfoundland and Canada. The Newfoundland bait bill for the purpose of excluding the French, came into operation in 1888. Canada was aware that the object was to exclude the French from getting bait. Canada asked and obtained permission to get bait in Newfoundland in the same way as Newfoundlanders. During 1888, 1889, 1890, Canadians from Magdalen Islands, Cape Breton, and from Newfoundland supplied bait to the French at St. Pierre, thus to a great extent frustrating the object of the Newfoundland act.

In 1891, Canadians were informed that Newfoundland would withhold from them bait unless they took measures to stop Canadian vessels from carrying bait from Canada and Newfoundland to the French, and otherwise assisted in preventing the French from getting bait, and helped to recompense certain of the losses made by stopping the bait to the French. They were also informed that as soon as they promised to take measures to these ends the embargo on bait would be immediately removed without waiting for the measures to be taken.

The Newfoundland executive thought that these terms were equitable and are ready to carry them out at any moment.  
Hotel Metropole, 4th July, 1891.

The sub-committee upon this memorandum desires to observe as follows :—

One of the conditions sought to be imposed upon the vessels of Canada for the enjoyment of privileges belonging to all British vessels in the ports of a British colony, is that Canada should help "to stop Canadian vessels from carrying bait from Canada and Newfoundland to the French, and otherwise assist in preventing the French from getting bait, and help to recompense certain of the losses made by stopping the bait to the French."

It is submitted that this proposition could in no event be favourably entertained by the government of Canada, even admitting it is necessary to purchase the concession of the rights in question.

The government of Newfoundland cannot reasonably contend that there has been a serious violation of the Bait Act on the part of Canadian vessels in view of there not having been a single instance of such an infraction brought to the notice of the Canadian government.

On the other hand, representatives of the government of Newfoundland have been assured that Canada is ready to legislate in the direction of preventing Canadian vessels violating provisions of the Bait Act as soon as Canadian vessels are accorded, in the ports of Newfoundland, the privileges previously assured to them by the government of that colony and now denied.

It is, however, unreasonable to expect that Canada should co-operate with the colony of Newfoundland to the extent of adopting similar legislation respecting the sale

of bait to the fishing vessels of France from Canadian ports. It may be remarked that there is a strong opinion, even in Newfoundland, that this legislation is unwise, and certainly in Canada it is not desired by any section of the Canadian people.

It appears that the losses from the interference by the Newfoundland government with the people of that colony selling bait to the French, Canada is also asked to share. No ground for such request is advanced.

Canada is desired, moreover, to lessen the disadvantages accruing to the citizens of Newfoundland from a policy voluntarily adopted by that colony.

A general statement that a practice by Canadian fishermen thwarts the intentions of the legislation of Newfoundland, is not, in the opinion of the sub-committee, a sufficient reason for the demand now made upon Canada.

So far as the sub-committee have been able to ascertain, the percentage of Canadian vessels selling bait to the French is exceedingly small and these vessels obtain their bait from ports of the Magdalen Islands, with perhaps a small portion from other ports of the Dominion.

The main body of the fishing fleet visiting the Newfoundland waters from Nova Scotia and the other provinces desire bait for their own purposes.

It is not to be forgotten that foreign vessels freely obtain bait in ports of Newfoundland which may be sold to French vessels as easily as if bought by British vessels.

It is a matter for regret that under all the circumstances, Newfoundland has been unwilling to re-consider her position, to the end of removing friction and maintaining the harmony desirable, especially between British colonies.

In anticipation of your excellency's government being unable to alter the determination already arrived at as to the proposals of the Newfoundland government, and in view of the serious importance of the question to both governments, his lordship the secretary of state for the colonies now suggests that the case should be submitted to the judicial committee of the privy council, and his lordship states that he has intimated this view to the government of Newfoundland.

The sub-committee have dealt with that suggestion in a report dated and approved by your excellency upon date 21st November, 1891.

The committee concurring in the above report recommend that your excellency be moved to transmit a copy of this minute to the right honourable the principal secretary of state for the colonies for the information of Her Majesty's government.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,

*Clerk of the Privy Council.*

### No. 136.

*CERTIFIED COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 21st November, 1891.*

The committee of the privy council have had under consideration a despatch dated 4th August, 1891, from the right honourable the secretary of state for the colonies, acquainting your excellency's government that the government of Newfoundland had declined to accept the opinion of the law officers of the crown to the effect that the action of that government in refusing to issue bait licenses to Canadian fishermen was *ultra vires* and illegal, and had decided to maintain the prohibition. Lord Knutsford's despatch further stated that, should your excellency's government find themselves unable to accept the proposals of the Newfoundland delegates, as contained in the memorandum indicated in the despatch in question, Lord Knutsford had intimated to the government of Newfoundland that as the question was one of serious importance to both governments, it should be submitted to the judicial committee of the privy council, and that he had informed them that a joint case stating the facts should be prepared on behalf of the governments of the Dominion and of Newfoundland, and that he would then be

ready to advise Her Majesty to refer such cases to the judicial committee under section 4 of the Act 3 and 4 William IV, chapter 41. Lord Knutsford further stated that he would be glad to be favoured with the views of your excellency's government on that proposal, and would be pleased to learn that your excellency's government was in communication with the government of Newfoundland with regard to the proposed case.

The sub-committee of council to whom the question was referred have dealt in a report, dated 18th November, 1891, which has been approved by your excellency under date 21st November, 1891, setting forth the reasons why it would seem that the proposition made on behalf of the government of Newfoundland cannot be acceded to by your excellency's government.

The sub-committee concur in the suggestion of Lord Knutsford as to the advisability of submitting to the judicial committee of the privy council the questions in dispute between the two governments, and they have prepared a case which forms an appendix to this minute, stating as they understand them the questions in controversy between the two governments, and they recommend the case as therein stated for the approval of your excellency as a proper one to be referred to the judicial committee.

The sub-committee therefore recommend that this minute, with the appendix annexed, be transmitted to the colonial office, and that a copy of it be at the same time transmitted by your excellency to Sir J. Terrence O'Brien, Governor of Newfoundland, with a request that the government of Newfoundland will assent to such case, or else will submit to your excellency a draft of the case that they would be willing to have referred to the judicial committee, in order that your excellency's government may take such action thereon as may appear proper.

The committee, concurring in the above report, and the recommendation therein made, advise that your excellency be moved to take the necessary action in the premises.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
*Clerk of the Privy Council.*

[Enclosure 1 in No. 136.]

DEPARTMENT OF JUSTICE, CANADA,  
OTTAWA, 24th November, 1891.

Case which the government of Canada desires to have referred by Her Majesty to the judicial committee of the privy council pursuant to the provision of 3 and 4 William IV, chapter 41, section 4.

1. On the first day of June, 1889, the legislature of Newfoundland passed an act in the words and figures following:—

*Chapter VI.*

An act to amend and consolidate the laws relating to the exportation and sale of bait fishes.

(Passed 1st June, 1889.)

Be it enacted by the governor, legislative council and assembly, in legislative session convened, as follows:—

I. No person shall—

- (1.) Export, or cause or procure to be exported, or assist in the exportation of; or
- (2.) Haul, catch, take or have in his possession, for the purpose of exportation; or
- (3.) Purchase or receive in trade or barter for the purpose of exportation; or
- (4.) Take, ship or put, or haul on board or assist in taking, shipping, putting or hauling on board of any ship or vessel for any purpose whatever; or
- (5.) Carry or convey on board of any ship or vessel for any purpose whatever, any herring, caplin, squid, or other bait fishes, from, on, or near any parts of this



colony or its dependencies, or from or in any of the bays, harbours or other places therein, without a license in writing, to be granted and issued as hereinafter provided.

II. Licenses may be granted for any of the following purposes, viz. :—

- (a.) To export bait fishes to a foreign country for bait purposes.
- (b.) To export bait fishes to a foreign country for food or consumption.
- (c.) To export bait fishes for use for bait purposes in prosecuting deep sea fisheries.
- (d.) To haul, catch, or take bait fishes for exportation.
- (e.) To purchase bait fishes for exportation for food or consumption.
- (f.) To take, ship or put on board a ship or vessel, or to carry or convey on board a ship or vessel, bait fishes for exportation for food or consumption.
- (g.) To purchase bait fishes for exportation for bait purposes.
- (h.) To take, ship, or put on board a ship or vessel or to carry or convey on board a ship or vessel bait fishes for exportation for bait purposes.
- (i.) To take, ship, or put on board a ship or vessel, or to carry or convey on board a ship or vessel, coastwise, to be discharged or landed or transhipped to some other ship or vessel within some port in this colony.

III. No such licenses shall be issued except under the authority of the governor in council, and countersigned by the colonial secretary.

IV. The governor in council may, from time to time, by proclamation, suspend or limit the operation of this act, and the issue of licenses thereunder, in relation to any district or part of this colony, or the coasts thereof, and for such period and in relation to sale or exportation to such places or for such purposes and in such quantities as shall appear expedient and as shall be declared and defined in the proclamation.

V. No license under this act shall be granted to any person unless he shall have first made an affidavit before a sub-collector or preventive officer of customs, or a stipendiary magistrate, setting forth the following particulars: The name of the person to whom the license is to be granted; the name of the vessel on board of which it is intended to convey or export bait fishes; the purpose for which such bait fishes are intended to be conveyed or exported, whether for food or consumption, or for bait purposes; the country to which it is intended to export the same, or the place where the fishery is to be prosecuted; for which such bait fishes are to be used.

VI. Applications for licenses under this act shall be made to a stipendiary magistrate or a customs officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section five to be set forth in the license; and it shall be the duty of the said stipendiary magistrate or customs officers to report to the governor in council any refusal on the part of the applicant to make such affidavit, or any *bona fide* doubt on the part of such stipendiary magistrate or customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such license is applied for for the purpose of evading or defeating, or assisting in evading or defeating the provisions of this act. In such case it shall be the duty of such stipendiary magistrate or other officer to withhold such license and await further instructions.

VII. In every case in which a license is granted under this act, the person to whom the same is granted shall also give bond to the receiver general of this colony, with two sufficient securities in the sum of not less than one thousand dollars or more than two thousand dollars each, containing the condition that the terms of the license shall, in all respects, be complied with; and in the case of a license to export to a foreign country that satisfactory proof of the landing of the cargo in such foreign country will be furnished within a stated period, and the forfeiture of the penal sum under such bond shall be in addition to any other penalty, forfeiture or punishment which may be imposed for the same offence under this act.

VIII. The forms of the licenses, affidavits and bonds, above provided, shall be prescribed by the governor in council.

IX. Any person who shall violate any of the provisions of section one of this act, or any of the sub-sections thereof; or

(1) Use, dispose of, or deal with, any bait fishes otherwise than in accordance with the terms of the affidavit made upon application for a license or with the terms of such license; or,

(2) Make any untrue statement, in any affidavit, upon application for a license under this act; or,

(3) Obtain a license under this act, by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable for every first offence to a penalty not exceeding one thousand dollars, or imprisonment for a period not exceeding twelve months.

(4) Any person convicted of a second or subsequent offence under this act shall, on conviction, be subject to imprisonment with hard labour, for a period of not less than twelve months.

X. In addition to the punishment prescribed by the foregoing section, the convicting magistrate may order the confiscation and sale of the herring, caplin, squid, or other bait fishes, which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this act, or the terms of any license thereunder, or of the boat or vessel on board of which such bait fishes shall be found to have been unlawfully shipped, conveyed or exported, and the forfeiture of any license held by the offender.

XI. Any person who shall sell any herring, caplin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a license under this act, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding three months.

XII. In any prosecution under the next preceding section the onus of proof that the bait fishes were not intended for shipment or for exportation, shall rest upon the party accused: provided there be proof of a sale under such circumstances as shall be consistent with a reasonable presumption that shipment or exportation was intended.

XIII. The governor in council may, from time to time, appoint special commissioners for the purpose of enforcing the provisions of this act.

XIV. Any such commissioner or any justice of the peace, sub-collector, preventive officer, fishery warden, or constable, may board and examine and search any boat or vessel suspected of having on board, or of conveying or exporting bait fishes contrary to the provisions of this act or of any licenses granted thereunder; and in case any such commissioner, justice of the peace, sub-collector, preventive officer, fishery warden, constable, or the crew of any vessel employed by the government, shall make a signal by hoisting the international signal, B.M.I., meaning: "Heave to, I will send a boat," and fire a gun, or by dipping at the main peak three times the flag with the badge of the colony, as prescribed by the colonial regulations, it shall be the duty of the owner, master or person managing or controlling such vessel to heave to, or obstructing or omitting to afford facilities for such commissioner, justice, sub-collector, preventive officer, fishery warden or constable, in boarding and examining such vessel, he shall be subject to a penalty not exceeding five hundred dollars or to imprisonment for a term not exceeding three months. The master of any vessel who shall refuse or unreasonably delay in obeying such signal may be arrested and brought before a stipendiary magistrate, and his vessel may be seized and held by any such commissioner, justice, sub-collector, preventive officer, fishery warden or constable, until an adjudication shall have taken place upon a complaint under this section.

XV. Any person found hauling, catching, taking, purchasing, selling, shipping or conveying any bait fishes, or any person having any such fishes in his possession, or the master, owner or crew of any boat or vessel on board of which any bait fishes may be found, may be examined on oath by a justice of the peace, sub-collector or preventive officer, fishery warden, or commissioner appointed under this act, as to the quantity and kind of bait fishes in his possession, or on board of such boat or vessel, the purposes for

which such bait fishes are intended to be used, or as to the place to which the same are intended to be conveyed or exported, and upon his refusing to answer, or answering untruly, or failing to produce a license under this act, or having such license, being found to have violated or failed to comply with the provisions thereof, such justice, sub-collector, preventive officer, fishery warden or commissioner, may seize the boat or vessel on board of which such bait fishes shall have been hauled or caught, or put, kept, shipped, carried, conveyed or exported, or on board of which the same may have been found, her tackle, apparel, furniture, and outfit, and the said bait fishes so found as aforesaid, and may hold the same until an adjudication shall have been had upon a complaint in relation to such alleged offence.

XVI. In any such case as mentioned in the next preceding section, any officer therein authorized to seize any boat or vessel, and any constable or peace officer then present, shall have power, by direction of any such officer authorized as aforesaid, and without any warrant or complaint upon oath, to arrest any person found committing or omitting to do any of the acts for or on account of which such boat or vessel may be seized, and to detain him in custody until an adjudication shall have taken place as before provided.

XVII. In any prosecution under this act, the fact of shipping, putting or having bait fishes on board of any boat or vessel, shall be *prima facie* evidence of the same having been so shipped, put, had, or conveyed for the purpose of exportation, and the refusal or failure to produce a license upon being called upon so to do, shall be *prima facie* evidence of such bait fishes having been shipped, put, conveyed or exported without a license; and any exportation, or intended exportation of bait fishes shall, in the absence of proof to the contrary, be held to be an exportation or intention to export for bait purposes.

XVIII. All offenders against the provisions of this act may be prosecuted and convicted, and all fines, forfeitures, penalties, orders for confiscation, and other punishments imposed, recovered and made in a summary manner before a stipendiary magistrate. In the event of the prosecution of an offender who would not be liable to or ordered to pay a fine, then the reasonable expenses of the prosecutor, including a fair amount for his time and labour expended in and about such prosecution shall, on certificate of the magistrate who heard the case, be paid to the prosecutor by the receiver general.

XIX. If any person convicted under this act shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of Her Majesty's supreme court holden in or nearest to the place where such conviction shall have been had: Provided notice of such appeal and of the cause and matter thereof be given to the convicting magistrate in writing within seven days next after such conviction, and the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting magistrate conditioned for the appearance of the person convicted at such next sitting of the supreme court on the first day of such sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the court thereon and for the delivery and surrender of any vessel or other property ordered to be confiscated, and to pay such costs as the court shall award. Any person who shall be convicted and imprisoned by any such magistrate for an offence against this act, and who shall have given such notice of appeal, and shall have entered into such recognizance with approved sureties, may be discharged from prison, in which case the recognizance shall be further conditioned for the surrender of the convicted party, on the first day of such next sitting of the supreme court, to the sheriff of the district in which such appeal may be heard.

XX. No proceeding or conviction by, or order of any justice or other officer under this act, shall be quashed or set aside for any informality, provided the same shall be substantially in accordance with the intent and meaning of this act.

XXI. In this act the word "vessel" shall include any boat or ship registered or not registered, jack, skiff, punt or launch, whether propelled by sails, oars or steam.

XXII. Nothing in this act shall affect the rights and privileges granted by treaty to the subjects of any state in amity with Her Majesty.

XXIII. For the purposes of this act, all stipendiary magistrates shall be deemed to be stipendiary magistrates for the colony, and may exercise the jurisdiction given by this act in any part of the colony. All officers engaged in carrying out this act, and the masters and crews of all vessels engaged in the said service, may severally be sworn as special constables, and shall, while engaged in carrying out this act, have all the powers, authority and protection of police constables.

XXIV. The act passed in the fiftieth year of the reign of Her present Majesty, chapter one, entitled: "An act to regulate the exportation and sale of herring, caplin, squid and other bait fishes," and the act passed in the fifty-first year of the said reign, chapter nine, entitled "an act to amend an act passed in the fiftieth year of the reign of Her present Majesty, entitled 'an act to regulate the exportation and sale of herring, caplin, squid and other bait fishes,'" are hereby repealed: provided that this repeal shall not be held to affect any penalty, forfeiture or liability incurred under the said act, or any proceedings for enforcing the same, had, done, completed or pending at the time of this appeal, or any office, appointment or authority or duty created, conferred or imposed, or any right or privilege acquired or existing, or any license granted under the authority of the said acts; and provided further, that every person holding a license under either of said acts shall, as soon as practicable after the passing of this act, surrender the same to the nearest magistrate or customs officer authorized to issue licenses under this act, who shall thereupon grant in lieu thereof a license under the provisions of this act for such purpose as the same shall be required; and any license issued under the authority of said acts not so surrendered as soon as practicable, or within a reasonable period shall be held to have been terminated and to be of no further effect.

XXV. This act shall come into force at such date as shall be appointed by the governor by his proclamation.

2. By royal proclamation bearing date 2nd day of April, 1890, and published in the *Royal Gazette* of the island of Newfoundland on the 3rd April, 1890, the said act came into operation on the 8th day of April, 1890.

3. On or about the 9th day of April, 1890, the colonial secretary of Newfoundland issued certain instructions for magistrates and customs house officers in relation to the enforcement of the said act (hereinafter referred to as the Bait Act of 1889) and also adopted certain forms of license; which instructions and forms are as follows:

Instructions for magistrates, customs officers, &c., in relation to enforcement of Bait Act, 1889.

Under proclamation of the governor no exportation or sale or purchase or taking of bait fishes of any sort is to be permitted without a license.

Licenses of three sorts will be granted: one, free of charge to vessels belonging to Newfoundland and prosecuting the deep sea fishery; one to Newfoundland punt fishermen, free of charge, to catch bait for sale to foreign vessels or otherwise, and one for foreign vessels to purchase bait.

In all cases of applications for licenses (except Newfoundland punt fishermen who catch for sale to foreign vessels), the party applying must make an affidavit setting forth all the particulars required to be stated in the license. (See Bait Act, 1889.) This affidavit may be made either by the master of the vessel for which the license is applied for, or by the owner, or agent of the owner, or on behalf of the master. Blank forms of these affidavits of each sort are furnished. The affidavits may be made before a magistrate or a customs officer.

You will notice that the licenses have been signed by the colonial secretary, and they must also be signed by the person issuing the license, either a customs officer or magistrate.

A license fee of one dollar per ton is to be paid by vessels of all nations (French, American and Canadian) entering the harbours of this colony in quest of bait fishes.

All such foreign vessels shall be restricted to one barrel of bait per ton, and shall be compelled to take out a new license and pay such license fee as aforesaid upon each entry into any port of this colony, besides the ordinary light dues.

A second license shall not be granted within three weeks from the date of the first license.

Upon granting a license to a foreign vessel you shall notify the customs officers at all the other ports of entry named herein, by telegram or letter, that you granted such license, stating date of issue, so as to prevent such vessel from obtaining a second license within the period stated above.

In the case of a foreign vessel taking bait at your port, you will employ officers to see that only the quantity named in license is taken aboard.

*License to haul, catch and sell bait fishes by Newfoundland fishermen.*

According to the provisions of the Act passed in the 52nd year of the reign of Her present Majesty, entitled, "An Act to amend and consolidate the laws relating to the exportation and sale of bait fishes," permission is hereby granted to haul, catch and sell herring, caplin, squid and other bait fishes during the present fishing season.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1890.

(Signed),

of Customs,

(Or Stipendiary Magistrate).

(Countersigned),

Colonial Secretary.

The attention of the holder of this license is called to the following section of the act in relation to the exportation of bait fishes (Act 52 Vic., cap. 6) :—

"11. Any person who shall sell any herring, caplin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, for the purpose of exportation to any person not holding or producing a license under this act, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding three months."

License for Newfoundland deep sea fishery to purchase, haul, or take bait fishes for the prosecution of the fishery.

According to the provisions of the act, passed in the 52nd year of the reign of Her present Majesty, entitled "An act to amend and consolidate the laws relating to the exportation and sale of bait fishes," permission is hereby given to \_\_\_\_\_, of \_\_\_\_\_, of the \_\_\_\_\_, called the \_\_\_\_\_, to purchase herrings, caplin, squid, and other bait fishes, to be taken on board the said vessel, to be used by the master and crew of said vessel for the purpose of prosecuting the cod fishery during the present fishing season, in such quantities only as shall be sufficient for the bona fide use of the master and crew of the said vessel in the prosecution of said fishery and no more, and not to be sold, transferred to any other ship or vessel, exported to any foreign country, or used for any purpose whatsoever other than the above set forth

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1890.

(Signed),

of Customs,

(Or Stipendiary Magistrate).

(Countersigned), R. BOND,

Colonial Secretary.

The attention of the holder of this license is called to the following sections of the act in relation to the exportation of bait fishes (Act 52, Vic., cap. 6) :—

"6. Applications for licenses under this act shall be made to a stipendiary magistrate or a customs officer, who shall require the applicant in each case to make before him an affidavit stating the facts and particulars, as required under section 5, to be set forth in the license; and it shall be the duty of the said stipendiary magistrate or customs officer to report to the governor in council any refusal on the part of the appli-

cant to make such affidavit, or any *bona fide* doubt on the part of such stipendiary magistrate or customs officer of the truth of any of the statements set forth in such affidavit, or of a belief on his part that such license is applied for for the purpose of evading or defeating, or assisting in evading or defeating the provisions of this act. In such case it shall be the duty of such stipendiary magistrate or other officer to withhold such license and await further instructions."

"8. The forms of the licenses, affidavits and bonds above provided shall be prescribed by the Governor in Council.

"9. Any person who shall violate any of the provisions of section 1 of this act, or of any of the sub-sections thereof; or

"10. Use, dispose of, or deal with any bait fishes, otherwise than in accordance with the terms of the affidavit made upon application for a license, or with the terms of such license, or

"2. Make any untrue statement in any affidavit upon application for a license under this act; or

"3. Obtain a license under this act by means of any false statement or misrepresentation, or by the suppression or concealment of any material fact, shall be liable for every offence to a penalty not exceeding one thousand dollars, or imprisonment for a period not exceeding twelve months.

"4. Any person convicted of a second or subsequent offence under this act shall, on conviction, be subject to imprisonment with hard labour, for a period of not less than twelve months.

"10. In addition to the punishment prescribed by the foregoing section, the convicting magistrate may order the confiscation and sale of the herring, caplin, squid, or other bait fishes which have been sold, purchased, hauled, taken, conveyed or exported in violation of the provisions of this act, or the terms of any license thereunder, or of the boat or vessel on board of which such bait fishes shall be found to be unlawfully shipped, conveyed or exported, and the forfeiture of any license held by the offender.

"11. Any person who shall sell any herring, caplin, squid, or other bait fishes, for the purpose of shipping or putting on board of any ship or vessel, or for the purpose of exportation to any person not holding or producing a license under this act, shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding three months."

*Affidavit to be made by Newfoundland fishermen prosecuting deep sea fishery.*

Newfoundland, to wit:

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say that I am master of the \_\_\_\_\_ called the \_\_\_\_\_, that I am desirous of obtaining a license to \_\_\_\_\_ bait, to be used on board the said vessel by the master and crew thereof, in prosecuting the deep-sea fishery, during the present season.

Sworn before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1890.

*Affidavit to be made by foreign fishermen.*

Newfoundland, to wit:

I, \_\_\_\_\_, of \_\_\_\_\_, make oath and say that I am desirous of obtaining a license to purchase bait, to be used on board my vessel in prosecuting the Bank fishery, during the present season.

Sworn before me at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 1890.

Know all men by these presents that we (*Here insert the names and additions of the person licensed, and the two securities*) are held and firmly bound to the Honourable Richard O'Dwyer, Receiver General of the island of Newfoundland, severally in the sum of \$1,000 each, to be paid to the said Richard O'Dwyer, his executors and administrators, for which payment to be well and truly made we severally bind ourselves, and each of us, our and each of our executors and administrators, firmly by these presents.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1890.



The condition of this obligation is such that if the said (*Here insert the name of the person to whom license is granted*) shall in all respects, comply with the terms of the license number \_\_\_\_\_, granted to him, dated the \_\_\_\_\_ day of \_\_\_\_\_ 1890, and in all respects conform to the provisions of Act 52 Victoria, entitled "An act to amend and consolidate the laws relating to the exportation and sale of bait fishes"; then this obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered in presence of

License to fishing vessels to purchase bait fishes.

(*Name of master*) of the fishing vessel (*name of vessel and tonnage*) tons register of (*name of port of registry of vessel*) having paid to the undersigned ("*customs officer*" or stipendiary magistrate as the case may be) at the port of (*name of port where the license is granted*) the sum of (*number of dollars corresponding to number of tons of vessel*) dollars, the privilege is hereby granted to said vessel to enter the bays and harbours of Newfoundland for the purchase of (*same number as tonnage of vessel*) barrels of bait fishes, and such quantity of ice, lines and other supplies as may be required.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1890.

*Customs Officer.*

Customs Officer or Magistrate at the port of \_\_\_\_\_

*Colonial Secretary.*

N. B.—This license is to be delivered to the Customs Officer, constable or officer engaged in the bait protection service. Upon the receipt of the said \_\_\_\_\_ barrels of bait fishes on board the said vessel, such officer shall mark "cancelled" upon them, and the date of the receipt of said bait fishes.

4. No proclamation was ever issued purporting to give the said instructions the force of law nor was any order of the governor in council made in respect thereto.

5. After the coming into force of the said Bait Act of 1889 on the 8th day of April, 1890, and during the fishing season of that year a large number of fishing vessels belonging to subjects of Her Majesty resident in Canada and registered therein were, in order that they might pursue their ordinary calling, compelled to procure bait in the ports of Newfoundland and were obliged by the government of Newfoundland and its officers before doing so to obtain licenses under that act and to pay large sums of money therefor, and certain Canadian vessels were seized by the officers of the government of Newfoundland for alleged breaches of the provisions of the said act in not paying the license fee prescribed by the "Instructions" aforesaid, and numbers of the masters and seamen belonging to such vessels were for the same reason fined and imprisoned.

On the 19th day of March, 1891, His Excellency Sir J. Terrence O'Brien, the Governor of the island of Newfoundland, issued a proclamation in the words and figures following, which proclamation was published in the *Royal Gazette* on the 20th March, 1891:—

*Proclamation.*

T. O'BRIEN, Lieut. Col., Governor.	}	By His Excellency Lieut.-Colonel Sir J. Terrence O'Brien, Knight Commander of the most distinguished Order of St. Michael and St. George, Governor and Commander in Chief, in and over the island of Newfoundland and its dependencies.
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Whereas by a proclamation of the 2nd of April, A.D. 1890, I gave notice to all to whom it concerned, that from and after the 8th day of April of the same year the act passed in the fifty second year of the reign of Her present Majesty, entitled "An act to amend and consolidate the laws relating to the exportation and sale of bait fishes" should come into operation.

And whereas by the fourth section of the said act it is provided that the "governor in council may, from time to time, by proclamation, suspend or limit the operation of this act, and the issue of license thereunder, in relation to any district or part of



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this colony, or the coasts thereof, and for such period and in relation to sale and exportation to such places, or for such purposes, and in such quantities as shall appear expedient, and as shall be declared and defined in the proclamation";

And whereas under the said act, it is intended to issue licenses for the catching, sale and purchase of bait;

And whereas it is expedient to limit the quantity of bait that any vessel, having obtained a license, shall be permitted to take or purchase under the said act, in this colony, for the purpose of the fishery, I do, therefore, by this my proclamation, declare that no vessel shall be permitted to take or purchase more than eight barrels of herring for each dory employed by such vessel, or ten barrels of caplin for each dory employed by such vessel, or four barrels of squid for each dory employed by such vessel; and without a new license no vessel shall be permitted to take or purchase a further supply of herring bait within a period of eighteen days from the date of previous license, or of caplin or squid bait within a period of fourteen days from the date of previous license.

And of these presents all magistrates, customs officers, constables, and all other officers in the execution of their offices about the premises, and all and singular other persons whom it shall or may concern, are hereby required to take due notice and govern themselves accordingly.

Given under my hand and seal at the Government House, St. Johns, this nineteenth day of March, A.D. 1891.

By his excellency's command.

R. BOND,

*Colonial Secretary.*

7. At or about the time of the issue of the said proclamation the colonial secretary of Newfoundland issued certain instructions to magistrates and customs house officers in relation to the enforcement of the Bait Act of 1889, which instructions were published in the *Royal Gazette* along with the said proclamation, and are in the words and figures following:—

INSTRUCTIONS FOR MAGISTRATES, CUSTOMS OFFICERS, ETC., IN RELATION TO ENFORCEMENT OF  
"BAIT ACT," 1889.

Under proclamation of the governor, no exportation or sale, or purchase, or taking of bait fishes, of any sort is to be permitted without a license.

Licenses of three sorts will be granted; one, free of charge, to vessels belonging to Newfoundland, prosecuting the deep-sea fishery, to purchase, haul or take bait fishes; one to Newfoundland punt fishermen free of charge, to catch bait for sale to foreign vessels or otherwise; and one, free of charge, to American vessels to purchase bait.

In all cases of application for licenses (except Newfoundland punt fishermen who catch for sale), the party applying must make an affidavit setting forth all the particulars required to be stated in the license. (See Bait Act, 1889.) This affidavit may be made either by the master of the vessel for which the license is applied, or by the owner or agent of the owner, or on behalf of the master. Blank forms of these affidavits of each sort are furnished. The affidavit may be made before a magistrate or a customs officer.

You will notice that the licenses have been signed by the colonial secretary, and they must be also signed by the person issuing the license, either a customs officer or a magistrate.

No license shall be granted except to Newfoundland and United States fishing vessels, and before granting such license the customs officer or magistrate shall require to have produced to him the ship's register in the case of Newfoundland vessels, and in the case of United States vessels the clearance papers from the American customs.

All vessels shall be restricted to eight barrels of herring per dory; to ten barrels of caplin per dory, and to four barrels of squid per dory, and shall be compelled to take out a new license upon each entry into any port in this colony.

A second license to purchase or take herring bait shall not be granted within eighteen days from the date of the previous license, and a second license to purchase or take caplin or squid bait shall not be granted within fourteen days from the date of the previous license.

Upon granting a license to an American vessel, you shall notify the customs officers at all the other ports of entry, by telegram or letter, that you granted such license, stating date of issue, so as to prevent such vessel from obtaining a second license within the period above stated.

In the case of a vessel taking bait at your port, you will see that only the quantity named in the license is taken aboard.

If a vessel is found supplying bait in contravention of the provisions of this act, the license of said vessel shall be forfeited forthwith.

No American vessel is to be permitted to leave the port where she has baited unless the bait purchased has been iced down.

R. BOND,  
*Colonial Secretary.*

SECRETARY'S OFFICE, 20th March, 1891.

8. No proclamation was ever issued purporting to give the said "instructions" last mentioned the force of law, nor was any order of the governor in council made in respect thereto.

9. During the whole fishing season of 1891, all fishing vessels registered in or owned by Her Majesty's subjects resident in Canada have been denied the right or privilege of obtaining the license provided for by the Bait Act of 1889 although the owners and masters of such vessels have been willing to conform to all of its provisions, such refusal being based upon that portion of the instructions above mentioned which provides that no license under the said act shall be granted except to the fishing vessels of Newfoundland and the United States of America, and all Canadian vessels have been precluded from obtaining bait in the island of Newfoundland.

10. By reason of the above action, great loss and damage has been inflicted upon many of Her Majesty's subjects in Canada engaged in the fisheries on the banks of Newfoundland and in the gulf of the St. Lawrence.

11. The government of Canada remonstrated with the government of Newfoundland on behalf of the citizens of Canada who are engaged in the business of the fisheries in regard to the action of the latter government in compelling Canadian fishing vessels in the year 1890 to take out licenses and to pay fees therefor, and to its refusal in the year 1891 to issue any licenses to Canadian fishing vessels for the purposes mentioned in section 2 of the Bait Act of 1889 and to the prohibition against Canadian vessels procuring bait as aforesaid.

12. The government of Canada contends as follows:—

(a) The instructions of 1890 are illegal, and not in accordance with the provisions of the Bait Act, in so far as they impose any license fee or the license fee therein mentioned, upon Canadian vessels entering the harbours of Newfoundland in quest of bait fishes, and that the act gives no authority to the government of Newfoundland to impose the payment of any money as a condition to the obtaining of a license.

(b) As regards the instructions above mentioned issued on the 20th March, 1891, they are illegal in so far as they deny to Canadian vessels the right of obtaining licenses under the Bait Act.

(c) Under a proper construction of the act in question every Canadian fishing vessel and every British fishing vessel is entitled to a license thereunder upon complying with sections 5, 6 and 7 of the act, and of any regulations which may be lawfully made thereunder, the discrimination under the instructions of 1891, in favour of United States vessels and against Canadian vessels, being unauthorized.

(d) Even if a license fee may be legally imposed under the said act upon Canadian fishing vessels inasmuch as no proclamation has ever been issued by the governor in

council under section 4 of the said act or otherwise, and as no order in council has ever been made imposing such fees, the imposition thereof is illegal.

13. The question which is hereby referred to the judicial committee of the privy council for hearing and determination is as follows:—

Are the contentions of the government of Canada as above stated, or any of them, in accordance with law, or, if not, to what extent are they in accordance with law?

### No. 137.

OTTAWA, 30th November, 1891.

Commander WAKEHAM,  
Gaspé Basin, P.Q.

SIR,—Having reference to the action of the Newfoundland authorities in collecting duties on the salt and barrels on board of Canadian fishing vessels when fishing for herring on the Newfoundland coast, I should be much obliged if you would give the particulars of a case you cited to me in conversation, when a Canadian vessel had gone to Newfoundland one season, paid duties on barrels and salt, but failed to get the trip of herring, and that returning the following year with the same barrels and salt, duty was again charged on them, though on neither occasion had they ever been out of the ship.

Please give me all possible particulars, as I intend to give publicity to the facts of the case in the report of our service.

I am, sir, your obedient servant,

A. R. GORDON,  
*Commander of the Fisheries Protection Service.*

### No. 138.

OTTAWA, 1st December, 1891.

Hon. MCKENZIE BOWELL,  
Minister of Customs.

DEAR MR. BOWELL,—I am in receipt of a letter from Messrs. John Allen & Sons, of Halifax, in which they refer to the landing of fish from Newfoundland without paying the customs duty. I have told them that I would bring this phase of the matter to your attention.

Yours faithfully,  
CHARLES H. TUPPER.

[Enclosure 1 in No. 138.]

HALIFAX, N.S., 26th November, 1891.

The Honourable  
The Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—Yesterday we were shown your telegram stating that no Canadian vessels could procure herring at Newfoundland.

As the season is just opening when vessels start for the ports of Fortune and Placentia Bays, we would like to know before making any further preparations whether the information you have given means that the question is definitely settled for the present, or whether there is any possibility of a change during the early part of December?

The herring taken at above ports during December and January are mostly sold to Montreal handlers, our fishermen using a portion outside our harbours.

23c to 23h—9

We have no intention of troubling you with opinions in the matter as we fully recognize the difficulties that surround your department in the dispute. But we wish to say that no argument we can use, or excuse that we can give to our fishermen, will cause them to either palliate or excuse the present state of affairs when they find these, our fish, subject to a very serious decline, owing to the large imports of Newfoundland fish, most of which is the veriest trash, and they subject to no duty.

If you will have the kindness to give us an early reply it will set our minds at rest regarding this business.

JOHN ALLEN & SONS,  
per JOHN C. RUSSELL.

[Enclosure 2 in No. 138.]

OTTAWA, 30th November, 1891.

MESSRS. JOHN ALLEN & SONS,  
Halifax, N.S.

GENTLEMEN,—I have your communication of the 26th instant, touching Canadian vessels and the herring trade in Newfoundland.

I regret that the facts prevent my giving you any assurance as to a settlement of this question during the early part of December.

We are, and have been, losing no time in pressing the matter to a conclusion as speedily as possible, and I have no doubt the ultimate result will be favourable.

It is, of course, in the power of any person to enforce the law in the case of the landing of fish from Newfoundland without paying the customs duty. This phase of the subject I have brought to the attention of the minister of customs.

Yours faithfully,  
CHARLES H. TUPPER.

#### No. 139.

OTTAWA, 2nd December, 1891.

SIR JAMES WINTER, K.C.M.G., &c., &c.,  
St. Johns, Newfoundland.

DEAR SIR JAMES WINTER,—I observe in the columns of the *Cape Ann Advertiser*, of 26th November, a statement to the effect that Newfoundland permits American fishermen to fish within the three miles limit, other than the French shore.

Kindly inform me whether this statement is correct.

Believe me

Yours very faithfully,  
CHARLES H. TUPPER.

#### No. 140.

[Telegram.]

YARMOUTH, N. S., 3rd December, 1891.

HON. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Owing to Newfoundland prohibition of baiting privilege, all our best fishing captains and crews are shipping to go in American vessels next season. The consequence will be the complete extinction of the bank fishing business of this province. In view of this alarming state of things, cannot something be done to induce imperial government to interfere in our behalf?

PARKER, EAKINS & CO.

## No. 141.

YARMOUTH, N.S., 12th December, 1891.

Hon. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—Your valued favour of 5th is received, and we beg to express our thanks for your courteous acknowledgment of our telegram of the 3rd. The situation is such a serious one for the fishing firms and every industry depending upon them that we cannot remain passive. It has been said that the Newfoundland Bait Act—or its application to the people of this Dominion—is *ultra vires*; if this be so, would it not be a good way of testing the matter, for this government to offer to pay the expense of an action against the Newfoundland government, if some fishing captain should take bait fishes on the Newfoundland shore and his vessel should be seized for doing so? We make the suggestion for what it may be worth. We trust that the whole trouble may soon be past.

We are very respectfully yours,  
PARKER, EAKINS & CO.

## No. 142.

PICTOU, N.S., December 15th, 1891.

The Deputy Minister of Fisheries.

SIR,—Having reference to your letter, 21st November, fyle 7804-91, I communicated at once with all the parties whose names are included in the list I received. Up to date I have received answers from the following: A. F. Stoneman & Co., Yarmouth; Parker, Eakins & Co., Yarmouth; S. E. Teel, Vogler's Cove; these I forward herewith. I have also had letters of inquiry from H. E. Reinhardt, Lahave, and Byron Hines, East Pubnico, both as to the form of application.

I have the honour to be, sir,

Your obedient servant,  
ROBERT HOCKIN,  
*Inspector.*

## No. 143.

OTTAWA, 18th December, 1891.

Messrs. PARKER, EAKINS & Co.,  
Yarmouth, N.S.

GENTLEMEN,—I have your letter of the 12th instant touching the Newfoundland question. You will be glad to learn that the question of the validity of the action of the Newfoundland government is in a fair way of being speedily settled, when I tell you that the law officers of the crown, having advised Her Majesty's government that the action of the Newfoundland government towards our fishermen was illegal, and the Newfoundland government having refused to abide by this decision, Her Majesty's government has undertaken the preparation of a case for reference to the judicial committee of the privy council of England, upon which the whole question will come up, and I think there is no doubt that the decision will be in our favour.

I may say, touching the suggestion which you make, that I have collected sufficient evidence for the institution of such a test case in the Newfoundland courts, and the minister of justice has the matter now in hand.

Yours faithfully,  
CHARLES H. TUPPER.

23c to 23h—9½

## No. 144.

ST. JOHN'S, NEWFOUNDLAND, 19th December, 1891.

Hon. C. H. TUPPER, Ottawa.

DEAR MR. TUPPER,—In reply to your note of the 2nd inst., enquiring whether "Newfoundland permits American fishermen to fish within the three mile limit," I can only say that no such permission has been given, affirmatively, so to speak, by any public or official act on the part of the government or other authority.

It is quite probable that the same thing in effect may have been accomplished in a negative manner by an intimation to the public officials to the effect that they were not expected to look out for infractions of the law by the Americans.

As a matter of fact, however, any such permission, if given, would be, for any practical purpose, of little or no consequence, inasmuch as it does not, and, under the Washington treaty, it did not pay the Americans to fish in our waters, and they never did so to any important extent.

Yours faithfully,

J. S. WINTER.

P. S.—I am much obliged for the maps, which came to hand in due course.

J. W.

## No. 145.

*Sir Terrence O'Brien to Lord Stanley of Preston.*

GOVERNMENT HOUSE,

ST. JOHN'S, 26th December, 1891.

His Excellency

The LORD STANLEY OF PRESTON,

&amp;c., &amp;c., &amp;c.

MY LORD,—My government have had under consideration a despatch from the right honourable Her Majesty's principal secretary of state for the colonies, in which his lordship suggested that the legality of their action in prohibiting the sale of bait fishes to Canadian vessels should be referred to the judicial committee of the privy council, and further that, for this purpose, it would be advisable that a joint case should be submitted by the government of the Dominion and Newfoundland. I have now the honour to forward herewith a copy of minute of council which my government have adopted, from which your lordship will observe that they have declined to carry out Lord Knutsford's suggestion.

I have, &amp;c.,

T. O'BRIEN, Lieut.-Col.,

*Governor.*

[Enclosure 1 in No. 145.]

The committee of the executive council have had under consideration the despatches of the right honourable the secretary of state for the colonies, dated the 4th August, and 4th October, 1891, (Nos. 74 and 96) together with the enclosures, and a memorandum forwarded to the secretary of state, dated "Metropole Hotel, 4th July, 1891."

The committee concur with the secretary of state in the feeling of deep regret at the strained relations existing between the government of this colony and that of the Dominion of Canada which, however, Her Majesty's government cannot fail to perceive has been brought about by the hostile action of the Canadian government towards this colony, a summary of which is as follows, and the proofs whereof are in possession of Her Majesty's government:—

First,—The Canadian government used every effort to obstruct the passing of the Bait Act, with an apparent determination to prevent this colony from protecting its interests against its powerful rivals—the French.

After obtaining the alleged promise of Sir R. Thorburn and Sir A. Shea, in 1887, and up to the present time, not a single step has been taken by the Canadian government to stop the supply of bait to St. Pierre and Miquelon from the Magdalen Islands and other ports of the Dominion, or to prevent Canadian fishermen from smuggling bait from Newfoundland to those French ports.

The committee appreciate that this course of action has been pursued by the Canadian government from a fear of wounding the susceptibilities of their French Canadian supporters in the province of Quebec. The vital interests of their fellow colonists in Newfoundland are as nothing in the estimation of the Canadian government, when compared with the support of the province of Quebec.

Second,—The Canadian government has exerted its powerful influence with Her Majesty's government to prevent a convention being concluded between this colony and the United States. It is unnecessary to refer more fully to its adverse action to Newfoundland in this direction as the evidence is before Her Majesty's government.

Third,—The Canadian government threatened in 1885, apparently for no other reason than to protect Canadian fisheries as against Newfoundland, to impose a tax upon fishery products of this colony, and the committee believe that it was only deterred from so doing by the legislature of Newfoundland enacting in retaliation that upon such being imposed an additional exceptional duty would be placed upon imports from Canada.

Recently however, at a period of the year when exports of flour, &c., from Canadian ports are invariably suspended until the ensuing spring, and knowing that such exports had ceased for a while and therefore retaliation by Newfoundland could not immediately affect any interest in Canada, the Canadian government placed a heavy duty on fish products entering ports of the Dominion from this colony. The amicable relationship which the Canadian Government expresses itself as being so solicitous to maintain would appear to be based upon the premises that Canada shall dictate and Newfoundland shall submit. This was clearly evidenced in 1887 when negotiations were entered upon with the United States when negotiating for reciprocal trade and a representative of the Newfoundland government was excluded from the conferences. Newfoundland has her bait fishes; they are of great value in view of her geographical position, but the Canadian government would forbid her availing of this inherent wealth to obtain concessions from a friendly nation because Canada has failed in her negotiations to obtain like concessions. Again, Newfoundland is thwarted in her efforts to restrict the supply of bait fishes to its powerful rival the French, because a Canadian political party is desirous of retaining French Canadian support and are unwilling to offend said supporters by legislating against the supply of bait to French fishermen. As before intimated, the Canadian government have now taxed Newfoundland fish products, and the government of this colony is asked to passively submit. The committee fails to see any ground for believing that the action of the Canadian government is in any way influenced by a desire to foster a friendly relationship conducive to the advancement of this colony or for the interest and advantage of the empire; but, upon the other hand, the committee is most unwillingly obliged to arrive at the conclusion that the Canadian government is solely actuated by selfish motives in the course it is following, not the least of which is probably the maintenance in power of the present dominant party.

The committee cannot recede from the position it has taken, viz.:—to yield no point so long as the Canadian government maintains its present attitude towards this colony, and the committee trusts that the spirit of justice which is characteristic of a British government will prevent this colony being coerced into the adoption of a course of action which may prove most injurious to its welfare.

The committee most respectfully declines to submit a case for the opinion of the privy council as suggested in the secretary of state's despatch, as it is convinced that the interests of this colony can be best conserved by its endeavouring to maintain the position it has taken.



The committee desire that his excellency the governor will transmit a copy of this minute to the right honourable the secretary of state for the colonies.

Correct copy of minute passed by committee of the executive council.  
December 24th, 1891.

R. BOND, C. C. ]

### No. 146.

ST. JOHNS, NEWFOUNDLAND, 2nd January, 1892.

Hon. C. H. TUPPER, Ottawa.

DEAR MR. TUPPER,—I wrote you a few lines last week to the effect that as far as I could discover no actual permission had been given by our government to the Americans to fish in our waters. Recent developments have furnished good reason for concluding not only that such permission has been granted, but that it has been done in such a way as to assist the Americans in defrauding their own revenue, in working injustice (or at least inequality), as between the Americans themselves, and an injury to our fishermen. I send herewith a copy of our *Evening Herald* (Opposition) containing an account of the developments I refer to, and some comment thereon.

There is considerable public indignation here on account of these revelations, and altogether I think that Mr. Bond's anti-Canadian and pro-American vagaries are working out their own condemnation.

The *Herald*, about a fortnight ago, devoted several articles to denunciation of the action of the government towards Canada in the matter of the herring fishery, and I believe with much effect upon public opinion, which I think is now all but unanimous against the government upon this question.

Wishing you the compliments of the season.

Yours sincerely,

J. S. WINT' R.

### No. 147.

SIR JAMES WINTER, K.C.M.G.,  
St. Johns, Newfoundland.

OTTAWA, 9th January, 1892.

DEAR SIR JAMES WINTER,—Many thanks for yours of the 2nd instant. Have you any objection to my reporting to the British government upon the inshore fisheries of Newfoundland, and incidentally mentioning your name in connection with the subject as an authority, to corroborate the statement in the *Evening Herald*, a copy of which you were good enough to send me.

Reciprocating your compliments for the season—and with kind regards,

I am, dear Sir James Winter,

Yours faithfully,

CHARLES H. TUPPER.

### No. 148.

*Draft of circular to collectors of customs.*

[Circular.]

DEPARTMENT OF FISHERIES,

OTTAWA, 22nd January, 1892.

The Collector of Customs, at

SIR,—The honourable the minister of marine and fisheries being advised that the exaction by the Newfoundland government from Canadian fishermen of fees for licenses to purchase bait during the year 1890 was illegal, intends to take steps to recover them for the fishermen.

I enclose you herewith a supply of forms which are to be filled up with the necessary information to enable action for recovery of the fees.

You will please distribute these forms among any parties who to your knowledge may have paid such fees, or deliver to parties applying to you for them in accordance with the notice published in the newspapers.

I am, sir,

Your obedient servant,

S. P. BAUSET,

*Acting Deputy Minister of Fisheries.*

[Enclosure 1 in No. 148.]

STATEMENT showing License Fees exacted by the Newfoundland Government from Canadian fishing vessels during 1890, for licenses to purchase bait, &c.

Name of Owner or Persons contributing License Fee.	Address of Owners.	Name of Master.	Name of Vessel.	Amount Paid.	To whom Paid.	Date when Paid.	Name of Port where License obtained.
				\$	cts.		

[Enclosure 2 in No. 148.]

### NOTICE TO BANK FISHERMEN.

DEPARTMENT OF FISHERIES, OTTAWA, 25th January, 1892.

The undersigned has been advised that the exaction of license fees from Canadian fishermen by the government of Newfoundland during the fishing season of 1890 was illegal, and he intends to take such proceedings as are available to obtain redress on their behalf. For this purpose he respectfully requests that the owners or masters of all fishing vessels from whom license fees have been collected would place themselves in immediate communication with the nearest collector of customs and give him such full particulars of the matter as they can.

CHARLES H. TUPPER,

*Minister of Marine and Fisheries.*

[Enclosure 3 in No. 148.]

OTTAWA, 27th January, 1892.

SIR,—I herewith send you a form for the purpose of obtaining a statement of the amount of the fees, etc., you paid to the Newfoundland government during the year 1890 for licenses to purchase bait, &c., for your fishing vessel, and I have to request you to be good enough to fill up this form and sign the authority printed on the back of the same.

The honourable the minister of marine and fisheries being advised that the exaction of the fees in question was illegal, intends to take steps to recover them back for the fishermen.

I am, sir,

Your obedient servant,

S. P. BAUSET,

*Acting Deputy Minister of Fisheries.*

## No. 149.

DEPARTMENT OF FISHERIES,  
OTTAWA, 27th January, 1892.

MR. ROBERT SEDGEWICK, Q.C.,  
Deputy Minister of Justice,  
Ottawa.

SIR,—Having reference to your letter of 9th instant, referring to the opinion of Sir J. S. Winter, as to the legality of the exaction of license fees from Canadians by the Newfoundland authorities, and suggesting certain action preparatory to taking steps to recover such fees, I have to communicate to you the approval of the honourable the minister of marine and fisheries of such suggestion.

The notice has been ordered to be published in newspapers in Nova Scotia, New Brunswick, Prince Edward Island and Quebec, and various collectors of customs in those provinces have been written to and supplied with forms to be filled up.

In the meantime, I may say that this department has received the following statements of fees paid, direct from the parties interested.

Byron Hines—managing owner.

1. Schooner "Byron," fees .....	\$264 00
2. do "Maria," fees .....	92 00
3. do "Rosenenth," fees .....	92 00

Jeremiah Gayton—managing owner.

4. Schooner "Circassian," 4 licenses aggregating .....	193 00
--------------------------------------------------------	--------

James Belliveau—master.

5. Schooner "Hazel Glen," fees .....	347 00
--------------------------------------	--------

Capt. Wm. Smith—master.

6. Schooner "Vanilla," (per John M. Ritcey), 5 licenses aggregating .....	130 00
---------------------------------------------------------------------------	--------

Capt. D. E. Reinhardt—master.

7. Schooner "Cashier," 3 licenses aggregating .....	100 00
-----------------------------------------------------	--------

Ephraim Rafuse—master.

8. Schooner "Lattie," 2 licenses aggregating .....	96 00
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Reuben Ritcey—master.

9. Schooner "Stella E," 5 licenses aggregating .....	189 00
------------------------------------------------------	--------

Simon Parks—master.

10. Schooner "Ceto," 4 licenses aggregating .....	159 00
---------------------------------------------------	--------

Obadiah Deal—master.

11. Schooner "Vencezula," 4 licenses aggregating .....	159 00
--------------------------------------------------------	--------

James Creaser—master.

12. Schooner "Puritan," 5 licenses aggregating .....	83 00
------------------------------------------------------	-------

H. & N. B. Lewis—owners.

13. Schooner "Georgiana," fees aggregating .....	246 00
--------------------------------------------------	--------

Parker, Eakins & Co.—owners.

14. Schooner "Opal," 3 licenses aggregating .....	35 00
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A. F. Stoneman & Co.—owners.

15. Schooner "Wapite," fees .....	169 00
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16. do "Wide-awake," fees .....	65 00
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With the exception of the schooners "Circassian" and "Hazel Glen," all of these vessels are included in the list (copy herewith) supplied by Collector Moody, of Yarmouth, N.S., although in some cases the amounts entered in Mr. Moody's list differ from those in the statements sent direct by the parties.

The regular forms, as suggested by your department, have, however, been sent to the different parties with the request that they should be filled up, and the authority endorsed upon the back, signed.

The honourable the minister of marine and fisheries is of opinion that, as some time is likely to elapse before these statements can be returned, the cases of schooners

"Vanilla" (6), "Cashier" (7), "Stella E." (9), "Ceto" (10), "Venezuela" (11), "Puritan" (12) and "Wide-awake" (16), containing a request that he should act as the agent of the interested parties, might be proceeded with without further delay.

I return the file No. 526 of 1892, fisheries.

I have the honour to be, sir,

Your obedient servant,

S. P. BAUSET,

Acting Deputy Minister of Fisheries.

No. 150.

MONTREAL, 1st February, 1892.

HON. C. H. TUPPER,

Minister of Marine and Fisheries, Ottawa.

DEAR SIR,—Yours of the 28th ult. duly to hand, and contents carefully noted.

The easiest way to get on friendly terms with Newfoundland is to try and make all the amends possible to Newfoundland, "for the *very unfriendly* way in which Canada stepped in and stopped the Bond-Blaine convention."

There may be a good many points in the reading of this treaty on which lawyers and statesmen may differ. But Newfoundland had a good chance to make suitable trade relations, and quite unexpectedly found that a sister colony was interposing her influence to stop it altogether. A colony that had always shown her the greatest friendliness, and with whom it was hoped by many on this side, and by not a few in Newfoundland, that some day there might be a union.

Supposing Canada was on the point of closing an advantageous treaty with China, how would you like it if Australia stepped in and prevented it? When this point is brought home to you with the power that it ought to be, you cannot but admit that Newfoundland has a great grievance that will outweigh all the other difficulties in the settlement of this matter.

If you were in business, you would readily admit that there is a tariff fight with Newfoundland. There is no other way to look at it. Canada is trying to prohibit the importation of Newfoundland fish, and Newfoundland is determined to prohibit the importation of Canadian products.

When you state that the feeling against Canada is in the minds of a very few, we are sorry to say that this is certainly not corroborated by facts, nor by personal observation, especially since these difficulties have arisen.

If you look practically at the wants of Newfoundland from Canada, you will find that flour is the main article. Can you think seriously that the consumption in Newfoundland of 300,000 barrels per year is likely to cause an advance in price of the enormous output of the United States? No, sir, but Canada will feel the want of this customer, which naturally belongs to her, although, no doubt, you might say we can get along without each other; still, that is not a business way to look at it. And the idea courted by Sir John Macdonald will never find a solution while the commerce of the two countries are not as free as possible.

Should Newfoundland offer to come into confederation to-morrow, you would have to tackle the French shore question, and why not get your hand in now, and help along a feeling for confederation, instead of holding her at arm's length? Canada has a grievance with the Island of St. Pierre, as great, if not greater, than Newfoundland, viz., the smuggling of liquors on the lower St. Lawrence. Why not combine these questions, and get at the root of the matter?

As for prohibiting Canadians from supplying bait to St. Pierre, it is pretty well conceded that this is carried on by unpatriotic Newfoundlanders who understand this trade. So that it would be no hardship on Canadian fishermen, but will help Newfoundland to compete with the bounty-fed French fishermen. The Newfoundland government has a commissioner on the island of St. Pierre to detect any Newfoundland craft that manages to get past the police boats, but they have no power to proceed against any fishermen that bring bait from Canadian ports.

There is one point that we are as strong on as yourself, and that is that Newfoundland should not give foreigners any preferential treatment over Canada.

In trying to explain these difficulties to you, to the best of my ability, I would like to come one step nearer a solution. Are you willing to treat this matter in a generous manner? Are you willing to get back to the old relations, if Newfoundland will agree to allow Canadian fishermen all the privileges accorded to United States fishermen? If so, the sooner it is broached the better, and the longer you leave it the harder will the solution be, for, as I have written you, there is every probability of further legislation in Newfoundland, unless there is some prospect of a settlement. When reading this, please remember that I am looking from Canadian interests. The quantity of Newfoundland fish consumed in Canada is very small, while the United States has a large market that her fishermen cannot supply. So that Newfoundland naturally looks to the United States.

You have got everything to gain in this matter. Your fishermen felt keenly the need of bait last summer, and again the privilege of getting herring this winter. Your millers are losing a large customer, and there is no wonder that Newfoundlanders think that you will feel this most, and are in no hurry to open correspondence.

I hope that you will see your way to give me your ideas on this matter, and I will place them at headquarters in Newfoundland, and you can depend on our best exertions.

Your humble servant,

W. A. MUNN.

P.S.—I will now give you extracts from two letters received to-day from business correspondents, who are also members of the house of assembly:

"1st. We note your remarks about tariff war between the two colonies. You should come to St. Johns and hear our mercantile friends talk about Canada, with one or two exceptions."

"2nd. Our unfortunate tariff upsets all between us. I don't know what will be the upshot. Surely two reasonable men might arrange all."

W. A. MUNN.

### No. 151.

DEPARTMENT OF FISHERIES,  
FISHERIES PROTECTION SERVICE, GASPÉ, 2nd February, 1892.

S. P. BAUSET, Esq.,  
Acting Deputy Minister of Fisheries,  
Ottawa.

SIR,—I am in receipt of a letter, unofficial, from Mr. F. W. Penny, of Penny Bros., merchants, of Carbonear, Nfld., asking me for a list of the Newfoundland vessels that fished in Canadian waters during the past season. This list is wanted by Mr. Penny to answer a statement made in the *London Times* by a member of the Newfoundland Government (A. W. Harvey) *re* the number of Newfoundland vessels and people fishing in Canadian waters. Mr. Penny was the purchaser of the LeBoutillier Bros' room on Ile au Bois; he also owns a room at Brodore; he is in favor of confederation with Canada, and is of course opposed to the present state of affairs. His exact words to me are:—

"A prominent member of the executive of our government, A. W. Harvey, in London, writing to the *Times* about this affair, makes some very erroneous statements, wilfully, or for want of better information, I am not prepared to say, *re* the number of Newfoundland vessels fishing in Canadian waters. Could you give me the number of Newfoundland vessels which you saw in Canadian waters fishing last season, with the number of Newfoundland crews which fish on the shores, so that I could put this statement in the hands of the editor of our paper. We are trying to have this trouble settled so that friction between us may be avoided," &c., &c.

I know that many Newfoundland people are with us in the present dispute, but, of course, before furnishing the information here asked for, I should have the permission of your department.

If you can allow me to furnish the statement asked for, would you please wire me, so that it may go at once.

I have the honour to be, sir, your obedient servant,

W. WAKEHAM.

No. 152.

*Lord Knutsford to Lord Stanley of Preston.*

DOWNING STREET, 11th February, 1892.

Governor General,  
&c., &c., &c.

MY LORD,—I have the honour to acknowledge the receipt of your despatches Nos. 303 and 304 of the 30th November, on the subject of the refusal of the government of Newfoundland to issue bait licenses to Canadian fishermen.

In reply, I have to transmit to you, for the consideration of your ministers, copies of correspondence with the governor of Newfoundland and with Mr. Harvey, a member of that government who is at present in this country, both on the above mentioned subject and respecting the convention between Newfoundland and the United States of America.

Your ministers will not fail to observe that the main ground assigned by the government of Newfoundland for the refusal of bait licenses to Canadians is the opposition of your ministers to the signature of that convention, the conclusion of which Her Majesty's government have postponed in consequence of that opposition.

While, however, Her Majesty's government have, in view of the negotiations about to be commenced at Washington, informed the Newfoundland government that the conclusion of the convention must be again deferred, they feel that in justice to that colony they cannot postpone the ratification indefinitely, and should your ministers not succeed in obtaining a satisfactory arrangement with the United States, the attitude of Her Majesty's government in regard to the signature of the convention will have to be reconsidered.

In the meantime, in view of the deplorable results accruing both to the Dominion and Newfoundland from the relations at present subsisting, I would venture to urge strongly upon your ministers to consider, whether by personal communication with the government of Newfoundland and a mutual agreement not to further discuss past controversies, some amicable arrangement cannot be made.

Apart from the material loss to both colonies involved in the obstacles which have been placed in the way of their commercial intercourse and development, a prolongation of the present strained relations cannot fail to produce an estrangement of feeling between the peoples of the two colonies, which may seriously endanger the friendly relations which should exist between the different possessions of the crown, a result which I am confident your ministers would deplore no less than Her Majesty's government.

I will only add that if representatives of the Dominion and Newfoundland were to meet in this country armed with full powers to come to a conclusion on the points at issue, I should gladly welcome their arrival and give my good offices with the object of devising some settlement which might be accepted as satisfactory by both parties.

I have, etc.,

KNUTSFORD.

[Enclosure 1 in No. 152.]

*Lord Knutsford to Sir T. O'Brien.*

Governor,

Sir Terrence O'Brien, K.C.M.G.

DOWNING STREET, 11th February, 1892.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 117, of the 28th of December, forwarding a minute of your executive council stating the reasons why they decline to join in preparing a case to be laid before the judicial committee of the privy council as to the legality of their action in excluding Canadian fishermen from bait licenses.

I have also received your telegram of the 4th ultimo, reporting that Mr. Harvey had been desired by his colleagues in the ministry to call upon me and urge the ratification of the convention with the United States.

I had an interview with Mr. Harvey on the 6th of January, and he afterwards submitted to me the letter of which a copy is enclosed.

Her Majesty's government have given Mr. Harvey's representations their most careful consideration and they regret that they are unable to meet the wishes of your government at the present time, as the reasons which have hitherto induced them to defer the signature of the convention are still in force.

I feel bound moreover to point out that the action of your government in refusing to join in stating a case for argument before the judicial committee or to submit for decision the question of the legality of excluding Canadians from procuring bait, an exclusion which Her Majesty's government strongly deprecate, and which constitutes, as they are advised, a distinct breach of the law, places a further difficulty in the way of meeting the wishes of your ministers, and affords an additional reason for the decision of Her Majesty's government to defer for the present any action with regard to the convention.

This action on the part of your ministers can only tend to further embitter the relations between Newfoundland and Canada, the present condition of which has been a cause of much regret to Her Majesty's government.

I need hardly point out to you that the interruption of commercial intercourse between Newfoundland and the Dominion must prove injurious to both, but especially so to Newfoundland as the trade of the latter colony with Canada forms one fourth of its total commerce, while it forms less than one per cent. of the external trade of Canada.

These injurious results have already been themselves felt in Newfoundland as appears from the telegraphic message from the people of Bonne Bay forwarded to you in my despatch No. 12 of the 4th instant, and I would strongly urge upon your ministers that they should endeavour by personal communication with the Dominion government and a mutual agreement not to discuss past controversies to arrive at some amicable arrangement in the interest of both colonies.

I will conclude by repeating what I have stated to the governor general of the Dominion, that if representatives of the Dominion and of Newfoundland were to meet in this country armed with full powers to come to a conclusion on the points at issue, I should gladly welcome their arrival and give my good offices with the object of devising some settlement which might be accepted as satisfactory by both parties.

I have, &amp;c.,

KNUTSFORD.

[Enclosure 2 in No. 152.]

[*A. W. Harvey, Esq., to Lord Knutsford.*

The Right Honourable  
Lord KNUTSFORD, G.C.M.G.,  
&c. &c. &c.

HÔTEL MÉTROPOLE,  
LONDON, 7th January, 1892.

MY LORD—In accordance with your lordship's suggestion at the interview I had by desire of the government of Newfoundland, I have forwarded a memorandum of



the points, showing the desirability of a very early ratification of the Newfoundland-United States convention, but I should like to supplement that memorandum by a few words mostly arising out of what your lordship said on that occasion.

I have since examined the communication from the governor of Prince Edward Island, subsequently approved by the Duke of Buckingham, colonial minister, and quoted by the Canadian government as a reason why the present convention should not receive the necessary confirmation by Her Majesty's government; but I venture to think whatever weight is due such a memorandum written as far back as 1868, in this case it does not apply, for it would appear that the idea was then entertained that Prince Edward Island, without consulting with or having the assent of Her Majesty's government, intended to enter into a treaty with the United States. The circumstances of the present convention are entirely different. In this, the negotiation is opened with the approval and assent of Her Majesty's government by Her Majesty's ambassador at Washington, and the convention is forwarded to Her Majesty's government by that ambassador.

The positions are by no means analogous.

In any case, Canada cannot make use of any such argument, in consequence of her practice since that time of making separate arrangements with foreign governments, and her solemn assertion of the right of self-governing colonies to enter into such arrangements.

I would also point out that in 1871 Canada made arrangements under which the Washington Treaty was concluded without Newfoundland being in any way consulted. Had she had the power of vetoing that treaty at that time, Newfoundland would have done so. Totally regardless of her wishes or interests, that treaty was concluded. It is quite true that it was provided that Newfoundland could make the same arrangement with the United States if she chose, but by this treaty one colony, Canada alienated, as it were, the fisheries on her coast, which, according to the theory now propounded by Canada, belong equally to all other British colonies, and therefore to Newfoundland, without consulting Newfoundland in any way whatever. As I have said above, the terms on which Canada opened her fisheries to the United States would not have been acceded to by Newfoundland had Newfoundland been a free agent at that time, and it was only the fact that under that treaty Canadians could have caught fish on all the coasts and in all the rivers of Newfoundland and taken them into the States, duty free, while Newfoundland would have been excluded, and thus as far as the United States trade was concerned our population would have been obliged to look on in idleness, while the Canadians appropriated Newfoundland fish and trade alike—that obliged Newfoundland to avail herself of the clause by which she had the option of coming into that arrangement. This shows that the one colony practically gave away the fisheries, not only on her own coast, but on that of another, and without consulting that other, and entirely against her wish.

This state of affairs is carefully guarded against in the United States-Newfoundland convention. It is the produce of Newfoundland waters alone that would be admitted free.

We claim that the present convention does not in any way affect the fisheries of Newfoundland, but even did it do so a perfect precedent is established by the way in which the treaty of 1871 was concluded.

It would seem that the delay in dealing with the convention is to see whether Canada cannot make an arrangement with the United States in which Newfoundland could participate.

What sort of an arrangement? It cannot be supposed that any one more favourable to the colonies can be made by Canada than that agreed to by Mr. Chamberlain and Sir Charles Tupper in 1888, for that was so much so that it was gladly accepted by Canada but rejected by the United States as too favourable to Canadian interests.

If any sort of arrangement is come to between Canada and the United States, it would appear from the foregoing that it will be more favourable to the United States, and less so to Canada, than Mr. Chamberlain's.

It is also said that the United States-Newfoundland convention is considered very prejudicial to the interests of the colony and to British North America generally.

A comparison of Mr. Chamberlain's treaty and the Newfoundland-United States convention, will show that they are almost identical, and as the treaty of 1888 was considered quite a good bargain for the colonies, how can the present convention be disadvantageous to Newfoundland?

The position then is that Newfoundland is being deprived of a great benefit, and made to wait until Canada can make a treaty, and if Canada ever does make a treaty it must be on worse lines than the Chamberlain treaty, and consequently on worse lines than the present convention.

If Her Majesty's government will closely examine the position, it can scarcely expect Newfoundland to be content with it as the position stands at present, but must expect that she will continue to ask that her interests in this matter may be no longer subordinated to those of a neighbouring colony.

I have, etc.,

A. W. HARVEY.

[Enclosure 3 in No. 152.]

*Sir Terrence O'Brien to Lord Knutsford.*

(Received January 15th, 1892.)

GOVERNMENT HOUSE, ST. JOHNS,

December 28th, 1891.

MY LORD,—I have the honour to forward, for your information, a copy of a minute of my council on your lordship's despatches Nos. 74 and 96, of 4th August and 28th October last, stating that they object to the question of the supply of bait fishes to Canadians being submitted to a decision of the privy council.

2. I can assure you, my lord, that no one is more fully alive than myself to the necessity of maintaining friendly relations between this colony and its more powerful neighbour, or has striven more towards this end. I have, however, been met by the strong feeling existing both in the government and among an influential section of the public, who urge with, I must say, a considerable show of reason, that in the past it has been the Dominion that has but used Newfoundland for her own purposes and has shown herself inimical to its best interests, the grounds for which I shall not go into, as they are fully traversed by the enclosed minute.

3. In conclusion, may I express a hope that Canada may be induced, through your lordship's good offices, to remove the objections she has been urging to our convention with the United States, when I believe all this friction will come to an end.

I have, etc.,

T. O'BRIEN, *Lt. Colonel,*  
*Governor.*

The Right Honourable  
Lord KNUTSFORD, G.C.M.G.,  
&c., &c., &c.

[Enclosure 4 in No. 152.]

The committee of the executive council have had under consideration the despatches of the right honourable the secretary of state for the colonies, dated the 4th August and 4th October 1891 (Nos. 74 and 96), together with the enclosures and a memorandum forwarded to the secretary of state, dated "Metropole Hotel, July 4th, 1891."

The committee concurs with the secretary of state in the feeling of deep regret at the strained relations existing between the government of this colony and that of the Dominion of Canada, which, however, Her Majesty's government cannot fail to perceive

has been brought about by the hostile action of the Canadian government towards this colony, a summary of which is as follows, and the proofs whereof are in possession of Her Majesty's government :—

First.—The Canadian government used every effort to obstruct the passing of the Bait Act, with an apparent determination to prevent this colony from protecting its interest against its powerful rival the French.

After obtaining the alleged promise of Sir R. Thorburn and Sir A. Shea in 1887, and up to the present time not a single step has been taken by the Canadian government to stop the supply of bait to St. Pierre and Miquelon from the Magdalen Islands and other ports of the Dominion, or to prevent Canadian fishermen from smuggling bait from Newfoundland to those French ports.

The committee appreciate that this course of action has been pursued by the Canadian government from a fear of wounding the susceptibilities of their French Canadian supporters in the province of Quebec. The vital interests of their fellow colonists in Newfoundland are as nothing in the estimation of the Canadian government when compared with the support of the province of Quebec.

Second.—The Canadian government has exerted its powerful influence with Her Majesty's government to prevent a convention being concluded between this colony and the United States. It is unnecessary to refer more fully to its adverse action to Newfoundland in this direction, as the evidence is before Her Majesty's government.

Third.—The Canadian government threatened in 1885, apparently for no other reason than to protect Canadian fisheries as against Newfoundland, to impose a tax upon fishery products of this colony, and the committee believe that it was only deterred from so doing by the legislature of Newfoundland enacting in retaliation that upon such being imposed, an additional exceptional duty would be placed upon imports from Canada.

Recently, however, at a period of the year when exports of flour, &c., from Canadian ports are invariably suspended until the ensuing spring, and knowing that such exports had ceased for a while, and therefore retaliation by Newfoundland could not immediately affect any interests in Canada, the Canadian government placed a heavy duty on fish products entering ports of the Dominion of Canada from this colony. The amicable relationship which the Canadian government expresses itself as being so solicitous to maintain would appear to be based upon the premises that Canada shall dictate and Newfoundland shall submit. This was clearly evidenced in 1887 when negotiations were entered upon with the United States when negotiating for reciprocal trade, and a representative of the Newfoundland government was excluded from the conferences. Newfoundland has her bait fishes; they are of great value in view of her geographical position, but the Canadian government would forbid her availing of this inherent wealth to obtain concessions from a friendly nation because Canada has failed in her negotiations to obtain like concessions. Again, Newfoundland is thwarted in her efforts to restrict the supply of bait fishes to its powerful rival the French, because a Canadian political party is desirous of retaining French-Canadian support, and are unwilling to offend such supporters by legislating against the supply of bait to French fishermen. As before intimated, the Canadian government have now taxed Newfoundland fish products, and the government of this colony is asked to passively submit.

The committee fails to see any ground for believing that the action of the Canadian government is in any way influenced by a desire to foster a friendly relationship conducive to the advancement of this colony or for the interest and advantage of the empire; but upon the other hand, the committee is most unwillingly obliged to arrive at the conclusion that the Canadian government is solely actuated by selfish motives in the course it is following, not the least of which is probably the maintenance in power of the present dominant party.

The committee cannot recede from the position it has taken, viz., to yield no point so long as the Canadian government maintains its present attitude towards this colony,

and the committee trusts that the spirit of justice which is characteristic of a British government will prevent this colony being coerced into the adoption of a course of action which may prove most injurious to its welfare.

The committee most respectfully declines to submit a case for the opinion of the privy council, as suggested in the secretary of state's despatch, as it is convinced that the interests of this colony can be best conserved by its endeavouring to maintain the position it has taken.

The committee desires that his excellency the governor will transmit a copy of this minute to the right honourable the secretary of state for the colonies.

Correct copy of minute, passed by committee of executive council, 24th December, 1891.

W.  
C. C.

[Enclosure 5 in No. 152.]

MEMORANDUM respectfully submitted to Her Majesty's Government on the pressing necessity of immediate action in regard to the Newfoundland-United States convention.

This convention, unlike the reciprocity arrangements authorized by United States congress with countries exporting sugar, requires the assent of congress, or at least of the senate, before coming into effect. To insure its passage by the senate during its present session, it should be before that body now, or it will be shut out by the pressure of other business.

If it does not pass during the present session the convention is necessarily postponed for twelve months, and its immense benefits lost for that time; besides, in the pressure of the presidential campaign of next year, in which probably Mr. Blaine, the secretary of state, will be engaged, he will be entirely precluded from giving this matter his attention.

The loss to Newfoundland by not having the convention ratified when agreed to in December, 1890, has been an amount equal to one-third of its whole revenue, and will be equally large this year if the arrangement is not allowed to go into force.

A proportionate loss to Great Britain would be the taking from her trade in two years sixty million sterling, something like twice the whole amount involved in Messrs. Barings' failure. By this, Her Majesty's government will probably be enabled to judge how momentous the question is to Newfoundland.

This is the estimated direct loss to Newfoundland by the non-ratification of the convention for 2 years, but the losses come in so many ways that it would be difficult to over-estimate their indirect amount. To show one of these indirect losses a petition is forwarded herewith, which was presented in November to the colonial government by merchants representing probably one hundred vessels which are now lying idle and profitless, which, under the convention, would be earning large sums of money. By no other means than by the convention can these vessels obtain winter employment. If the convention were now ratified, these vessels could still get two months' work this winter and four months' work next season, which they must otherwise lose.

It is presumed the argument for delay is that a convention or reciprocity treaty may be concluded between the United States and Canada.

This treaty was to have been negotiated in June last, then it was postponed until October, and Newfoundland thought the justice of her cause so evident that if such a treaty was not in course of negotiation at that fixed date the ratification of her convention was a certainty. It is now January of the following year, and no date has been fixed for even its discussion, and it is certainly impossible for the legislation for such treaty to get through congress at its present session; this means its positive postponement for twelve months, and if Newfoundland has to wait to see what may come about this year, her loss will be irreparable. If this is not to occur, the ratification must be given immediately.

What possible prospect of a reciprocity treaty has Canada? Mr. Blaine within the last twelve months declared most emphatically over his own signature that he would never assent to any limited reciprocity with the Dominion, and Sir John Macdonald's government declared as emphatically within the last twelve months that they would never assent to unlimited reciprocity. There is, therefore, no hope of any reciprocity treaty between Canada and the United States so long as the present rulers govern their respective countries, and consequently there can be no reason to postpone the ratification of the Newfoundland convention on this account.

If Mr. W. Laurier and Sir R. Cartwright come into power in Canada, then probably there will be a reciprocity treaty (to judge by their words in opposition) on Mr. Blaine's lines, which means a common tariff with English, Scotch and Irish goods having the McKinley tariff against them over the whole Dominion. Does Her Majesty's government desire Newfoundland also to be included in such a reciprocity treaty? If so, then Her Majesty's Government are laying the foundations for this in its present postponement of its ratification of the Newfoundland convention.

This matter is most urgent, and its importance to the future of Newfoundland cannot be over-estimated. Newfoundland has been furnished with no reasons against the ratification which she has to answer, and a great favour will be conferred, if any of the facts stated on her behalf are questioned, that she be called on to substantiate them at once.

If the statements made on her behalf are not questioned, or are all substantiated, it would seem that the ratification would not injure imperial, while it served greatly the interests of the colony, and that further delay is fatal to those interests.

A. W. HARVEY.

HOTEL METROPOLE, January 7th, 1892.

[Enclosure 6 in No. 152.]

To His Excellency the Governor in Council.

The petition of the undersigned Banking schooner owners humbly sheweth:—

That your petitioners have had schooners engaged for a number of years in the prosecution of the Bank fishery.

That this fishery has of late years proved unremunerative.

That these vessels can no longer be employed thereat without some auxiliary.

That your petitioners believed that that auxiliary is partly found in the winter herring fishery, but that owing to the prohibitory duty imposed by the United States government on herring imported into their ports in Newfoundland vessels, we are debarred from competing with American registered vessels, they being permitted to get their cargoes on the same terms as our vessels.

That your petitioners are anxious to embark in the winter herring fishery; your petitioners believe, that if put on the same footing as their American competitors that the number of their vessels will be greatly supplemented in this trade from other parts of the country.

That in fitting our vessels for this business, numbers of our people will be employed manning the schooners and catching the herring.

That the embarking of Newfoundland schooners in this venture will in no wise tend to lessen the number of American vessels intending to prosecute this voyage.

That it is the opinion of the undersigned petitioners that the government should take immediate action in this matter.

And as in duty bound your petitioners will ever pray

J. W. STEWART,  
(per John Cowan),  
JAMES BAIRD,  
JOB, BROS. & CO.,  
STEPHEN MARCH & SONS.,  
ROBT. FROWSE & SONS.,  
ATRE & SONS.,

GOODFELLOW & Co.,  
BOWERING, BROS.,  
P. & L. TESSIER,  
ALLAN GOODRIDGE & SONS,  
(M. Monroe),  
EDWIN DUDER,  
(per Geo. J. Carter),  
THORBURN & TESSIER.

(Telegram.)

No. 153.

W. WAKEHAM, Gaspé Basin.

OTTAWA, 13th February, 1892.

Furnish statement asked by Mr. Penny. Send copy here.

S. P. BAUSET.

No. 154.

W. A. MUNN, Esq.,

20th February, 1892.

22 St. John Street, Montreal, Que.

DEAR SIR,—Yours of the 1st instant is before me.

You do not do justice to the case of Canada. We are in no sense "unfriendly" to Newfoundland.

It was solely because a most unusual course was adopted by the present government of that colony, to obtain concessions from the United States at the expense of Canadian and British interests, that this government intervened in the Bond-Blaine negotiations.

You infer that our action was due to a desire to prevent Newfoundland making an advantageous treaty.

There is not the slightest foundation for this assumption. The facts show, on the contrary, that the government of Newfoundland, having violated pledges given both to Great Britain and to Canada, touching the Bait Act, was discovered by us to be arranging for the concession of privileges to foreign fishermen contrary to the treaty of 1818.

By this action a serious blow was threatened to the fishing and commercial interests of British North America, and it became the duty of the Canadian government to prevent it, if possible. Canada intervened on these grounds only.

You state that Canada is trying to prohibit the importation of Newfoundland fish. The duties on fish in our tariff are imposed upon the fish of all countries.

A provision does exist by which we can suspend the duties on fish coming from Newfoundland.

An excuse was sought by us for continuing this suspension, but the Newfoundland government would not enable us to do so.

Newfoundland's action, touching our products, is not supported, according to my advices, by public sentiment in that country.

You yourself say that Newfoundland *wants* our flour.

I cannot fully discuss with you, for obvious reasons, the policy of the government of Newfoundland touching the French "shore" question, or the French bait supply.

I would infer, however, that you have concluded that it is necessary to deal with these subjects before we can expect friendly treatment at the hands of Newfoundland. In my opinion, I may say, *en passant*, Canadians even for a share of the trade of that island are not ready to assume the position you apparently advocate.

Touching your questions as to what the Canadian government desires, I may say that we have in the most emphatic manner given the government of Newfoundland reason to believe that our desire is that the most cordial relations may exist.

Until lately our relations were harmonious. The change came when we insisted, as we now insist, that the British interests in the treaty of 1818, must not be impaired by the action of the government of Newfoundland, and that Great Britain should not sanction a treaty which permits discrimination in a British port to be made in favour of foreigners against British subjects.

Canada has not adopted a policy of retaliation against Newfoundland, but there are ample opportunities for this, if such a course be deemed wise.

I propose to institute suits in the courts of Newfoundland for the recovery of the fees illegally taken by the government of that colony from our fishermen. Counsel has already been obtained to this end.

It is expected also that ere long the judicial committee of the imperial privy council will decide upon the legality of the action of the government of Newfoundland in excluding our vessels from the bait supply upon the coasts of that island.

In conclusion, let me say that it is not proposed to purchase a concession of our rights on any terms, but so far as fiscal questions are concerned, I have no doubt Sir William Whiteway perfectly understands that the present government is ready, willing and anxious to enter into the most favourable and friendly relations possible.

Yours faithfully,

CHARLES H. TUPPER

No. 155.

RITCEY'S COVE, 22nd February, 1892.

HON. C. H. TUPPER, Ottawa.

DEAR SIR,—I would like to know if there was any chance for Canadian vessels obtaining bait to Newfoundland next summer. The reason that I make those enquiries so soon is this, I am about getting my crew for fishing, and they ask me if there was any chance to get to Newfoundland for bait. I have to tell them that I don't know, so I thought I would write a few lines hoping to get some information about this matter. You will please answer these few erring lines and oblige,

REUBEN RITCEY,  
Master Schr. "Stella E."

No. 156.

(Telegram.)

Lord Knutsford to Lord Stanley of Preston.

24th February, 1892.

Send by telegraph substance of resolution passed by legislature of Nova Scotia last year with respect to convention between Newfoundland and United States.

KNUTSFORD.

No. 157.

MONTREAL, 22 ST. JOHN STREET, 24th February, 1892.

HON. C. H. TUPPER, Ottawa.

DEAR SIR,—Your valued favour of the 20th inst. to hand, contents carefully noted; and looking at your arguments I do not believe that there is one matter that cannot be satisfactorily and amicably arranged.

I am very sorry that you did not answer my letter sooner, as it would have prevented my writing to the newspapers. You cannot imagine how much it hurt me to write these articles, as I have always voted and worked for conservatives. They may say what they like against the conservatives, but I believe that if the liberals were in power or ever get there, they would be ten times worse.

I am glad to hear that you are not unfriendly to Newfoundland, which is the main thing, and have no doubt when you read the correspondence which is enclosed, that you will see that it is to the interests of both parties to be on favourable terms.

If you had followed the course of Newfoundland from 1882 to 1889, and saw how one bad fishery followed the other, and not that alone, but their markets in Europe were usurped by their French competitors on the islands of St. Pierre, who were granted a bounty of three-fourths the value of the fish for all that was sold outside of France. It was wonderful how any country could stand such competition, and there is little wonder why the people left Newfoundland by hundreds and thousands. Can you blame the Newfoundland government for going to any extremity in a case of this kind? What



would you think of a government that would not try and devise some means to relieve the people? I think that the Canadian government would be the first to scour the world for new markets, if Canada was placed under these circumstances.

Was it not a cruel blow to Newfoundland, after succeeding in gaining a free admittance to the markets of 60,000,000 people, to find that her sister colony, Canada, who had always shown her the greatest friendship, was the very one to interpose and prevent her getting this market?

I take it for granted that you are right as to the exact reading of the treaty of 1818, as I have not a copy before me, but from what I can gather as to its general usefulness, it is time we had a new treaty. No doubt there are many altered circumstances that need readjustment. It was a case of necessity, as I have already explained, and "necessity knows no law."

I think still that Canada is trying to prevent the importation of Newfoundland fish. If not, why should she put their produce under the almost prohibitory tariff?

You are probably well aware of the statute which Newfoundland has on her books, that if Canada (presumably, although the name is not mentioned) should tax her products, she was bound to tax Canadian products, by stipulated duties mentioned therein. No doubt you remember when this came into force, once before, about five or six years ago, and how quickly Sir John Macdonald had matters rectified. But now that others (even Newfoundlanders) are picking holes in this statute, it will not please the Newfoundland government, and as they have an overwhelming majority, and under their present excited feeling they may make matters even worse than they are at present.

No doubt your advices are from members of the late government, and I agree with you that the merchants generally are not in favour of the increased duties, and do not want to be shut out of any market where they can buy to advantage; and even the people themselves do not want to be on unfriendly terms with Canada, as the social feeling is growing stronger all the time; this is particularly noticeable on the arrival of the Canadian mails; but then again, it is the merchants who buy the goods and pay the duties, and as the people do not see it coming out of their own pockets, they give it very little consideration. You will remember that the last election was fought out "the people against the merchants" who were then in power, and showed an overwhelming defeat for the latter.

*Re the French shore bait question:*—Since Newfoundland has rigorously put in force her bait law against the French, their fisheries have been declining. (They may talk about periwinkles and salt bait, etc., etc., but there is practically nothing in it; they have no chance when a Newfoundland vessel is fishing alongside with fresh bait.) Last year, the Frenchmen sent no fish to Boston or other American ports, they had none to send to Spain, Portugal or Italy, etc., and their own market (France) advanced higher than it has been for a long time. Newfoundland also got good prices at the above named places, and has done remarkably well, especially as they have had a return of good fisheries the past two years, and the fishermen do not remember seeing the fish so plentiful during the past twenty years. They say it is wonderful, and the trouble with the merchants has been to get vessels to take it all to market. I think under these circumstances that Newfoundland would not be too exacting in asking you to come out against the Frenchmen.

As for Canadians not wanting a share of the Newfoundland orders, I leave this matter for your perusal of letters from Ontario. You would be surprised if you knew who wrote the fourth letter. Please give your attention to extract from the *North-Western Miller*, Minneapolis, of the past week. This is one of the most influential papers I know of, and is sure to attract attention.

The relations between Canada and Newfoundland were always harmonious while Canada treated them fairly, but Newfoundlanders have got an idea that Canada is trying to drive them into confederation. If you want a person to do a thing, I find the easiest way is not to treat him unkindly.

I need not repeat my former argument showing that Canada is being injured in a far greater proportion than Newfoundland by the tariff wars now between us. Our boards of trade are alive to this.

Was it right to peremptorily prevent the Newfoundland government from making a treaty without even reasoning with them? Newfoundlanders think that some recompense is due them in this matter.

You will find that, if you use kind words, Newfoundland is not unfriendly towards Canada, but should you adopt your policy of retaliation, you will bring them all out against you.

A suit through the Newfoundland courts will certainly take years and years to bring a conclusion. Will the Ontario millers wait all that time?

It is probable that the imperial privy council will be very lenient towards Newfoundland.

If you want to hear my opinion on the Newfoundland fisheries, I will be only too pleased to pay you a visit. There is a great future in front of Newfoundland in this direction. She has got the finest quality of fish in the world, but the present modes of fishing and curing are primitive. The spirit of ingenuity and enterprise is coming on the people very fast, and you will see great changes there within the next ten years. When the fisheries are properly developed, there is no country of its size in the world that will yield more wealth.

If you want to know about the internal resources of the country, Mr. Reid, who is now in town, and is contractor and builder of the Newfoundland railway, will be only too pleased to give you reliable information on this source.

There is only one object I have in view, and that is a speedy settlement of this vexed question. You cannot make up your mind too quick to show the public your friendly feeling towards Newfoundland.

I will be only too pleased to telegraph to Newfoundland your friendly intentions towards them, and am certain that if you could pay the island a visit, in the kindly and hospitable reception you would receive, all the old troubles would be forgotten.

Your humble servant,

WM. A. MUNN.

P. S.—Since writing the above, we have just received by an intermediate mail a copy of the *Evening Telegram* St. Johns, Newfoundland, which we forward you under separate cover. It gives Judge Conroy's decision on the dispute that has lately been before their courts, whether the discriminating tariff, which Newfoundland has put in force against Canada, is legal. You will see the decision is in favour of the government, but as the action was only for an amount of \$8.00 as a test case, the judge allows an appeal. We may state that the Hon. E. P. Morris who is one of the leaders in the present government, is an able lawyer and a great favourite in St. Johns, and we have no doubt that the jury would show a leniency towards his pleading should this case ever come up to the supreme court.

WM. A. MUNN.

[Enclosure 1 in No. 157.]

*Extracts from letters received from influential millers in Ontario.*

February 6th, 1892.

"We think with you that it is a great pity to have Canadian flour shut out and American allowed to take its place. We think the present duty shuts out our flour beyond question, and at a time when we badly need a market, for we have had a long period of inaction and consequent loss to millers, and are in very poor shape to stand any further drawback."

February 9th, 1892.

"We hope the attention of the government will be given to the matter so as to permit of the usual movement in flour being made in the spring. We see that American flour can be handled through Montreal, but that you think Canadian property should be on the same footing. We note you are finding trade very dull, and that it will not open

for a month or two, and we hope then you will be able to take hold of some of our brands and which we think are cheaper relatively than anything made in the United States."

February 12th, 1892.

"I received your circular of the 5th. I am glad you sent out the note of alarm, and trust you have sent same to all millers. While very little of my own make of flour has gone to Newfoundland, yet, the loss of that trade will affect me as well as those who had a large trade there. The melancholy death of Thos. Goldie, president of the Dominion Millers' Association, in a measure will interfere with prompt action by the association. I am not on the executive committee this year. Mr. Peplow, Peterboro, is the vice president. If you should wish to communicate, the secretary is C. B. Watts, Toronto."

February 20th, 1892.

"Like you, we feel that while there is fault on both sides, and perhaps both equally to blame, yet, Canada being the larger and stronger of the two, she can well afford to take the initiative in opening up the negotiations for an amicable settlement of all these questions at issue. And that at once, even at the expense of some of the dignity of some of our high officials. It is quite evident that Newfoundland is one of our very best customers, and common sense and business practice teaches us that it is the height of folly to stand on dignity, when by a little tact a good customer can be gained or held."

"Any further information on this subject will be thankfully received by us, and I am sure Mr. . . . . will put it to the very best use he can. The object of the letter was not so much to discuss the righteousness of either side to the dispute, as that some united action may be taken to bring pressure on our government to open up the question, and come to an amicable settlement."

"Now, there are various ways to do this. Through the press is one way, a monster deputation is another, and by pestering them every day with memorials from all the boards of trade in every town in the provinces is a third; and by sending deputations to Ottawa from these towns every other day through the session, and by bringing all the pressure we can on the individual members, is perhaps the most successful way of reaching them, but we want to have a method in our way of attack."

"Surely our government will take some action to insure our Newfoundland trade. This matter of checkmating is not good for us."

#### *Canadian Flours and Newfoundland Trade.*

A circular issued from Montreal to the Canadian millers says:—We are exceedingly sorry to see that the difficulties between Canada and Newfoundland over the fishery question have brought about a differential tax on all Canadian flours entering Newfoundland. This tax is \$1.05 per barrel, while all the United States flours are admitted on the former tariff of 30 cents per barrel. This difference of 75 cents per barrel against us is simply prohibitory for the Canadian trade. Newfoundland requires every year 300,000 to 350,000 barrels flour, and we are certain that there will be no difficulty in Canadian millers securing the bulk of this trade if we are placed on equal terms with our American competitors.

Millers are asked to communicate with the representatives in parliament, and request to have the matter adjusted so as to shut out American millers.—(*The North-Western Miller.*)

#### *Extract from Letter from a Merchant in St. Johns, Nfld.*

"We decline to have anything to do with your government *re* reciprocity. Let them paddle their own canoe, and we will manage our own affairs. We have what our

cousins absolutely need to carry on a fishery, and are not going to assist Canada, (after her meddlesome, unfriendly conduct) to get a treaty. We know our strength, and intend to use it for our own benefit.

"What a fluke we managed to keep out of confederation."

(There is more truth than poetry in this.)

Yours truly,

S. MUNN & CO.

### No. 158.

25th February, 1892.

W. A. MUNN, Esq.,  
22 St. John Street, Montreal.

MY DEAR SIR,—I have your letter of the 24th instant. I am glad to observe that you are of the opinion matters can be satisfactorily and amicably arranged between Canada and Newfoundland.

I did not require the extracts you enclosed to convince me that it was in the interest of Canada and Newfoundland to maintain a friendly policy towards each other.

I have endeavoured to show you in previous communications that Canada has never acted otherwise than friendly, unless it be considered unfriendly to protect the interests of Canada when attacked by Newfoundland or any other country.

The Canadian government has endeavoured to explain to Newfoundland how impossible it would be to purchase friendly treatment from that colony by involving ourselves in a quarrel with France that does not, and has never concerned us.

You still think that Canada is trying to prevent the importation of Newfoundland fish. Place yourself in the position of a Canadian fisherman, however, and I think you would do as these fishermen are doing, viz., ask that so long as they are prohibited from entering the ports of Newfoundland to procure bait, no discrimination shall be made in the tariff of Canada in favour of Newfoundland fish.

I am not surprised that the millers of Canada desire markets in Newfoundland and elsewhere. It is the policy of the Canadian government, so far as is possible, to help all our manufacturers and producers to obtain markets elsewhere, but I fear you do not appreciate the cause of Canadian intervention in the Bond-Blaine treaty. By that treaty it was proposed to shut out our flour from Newfoundland, so far as a discriminatory duty could do it. The language of the treaty bears that interpretation, and our American cousins would have been quick to fasten that interpretation upon it.

You suppose that we have not endeavoured to reason with the Newfoundland government. The contrary is the case.

We sent a special delegate to discuss the subjects of common concern with them, and the high commissioner has done his best in that connection as well.

Your reference to the Ontario millers waiting for litigation to end in Newfoundland courts shows that you have not quite apprehended my reference to that subject. It has nothing to do with the Ontario millers. The litigation in the Newfoundland courts will be for the purpose of collecting back the fees collected from Canadian fishermen without warrant in law, by the government of that colony.

The judicial committee of the privy council is composed of judges who will settle the question in connection with the Bait Act on its legal merits only. No political or other consideration can enter into their deliberations.

You again suggest that we should show our friendly feeling towards Newfoundland. I would be glad to know in what way you think this should be done.

I regret extremely that during the session of parliament it will be impossible for me to visit Newfoundland. The Canadian government would be only too happy to receive a delegate from there.

In conclusion, I may remind you that while the interest of the miller is very great, and is fully appreciated by the government, the interest of the fishermen in Canada is also great, and it is the duty of the government to protect their interests as far as it can.

Very respectfully,  
CHARLES. H. TUPPER.

No. 159.

MONTREAL, 26th February, 1892.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—Enclosed please find extracts from our local papers regarding Newfoundland affairs. The principal argument on the defendant's side is worthy of your particular notice. Would not this be just as strong an argument against any action you might take for licenses illegally collected from Canadian fishermen, inasmuch as the Bait Act has no exceptions for any country. This is not the first time that this argument has been brought forward, and has decided cases in Newfoundland. The last sentence in the second extract is also worthy of your careful consideration.

Yours truly,  
WM. A. MUNN.

[Enclosure 1 in No. 159.]

*Legality of the extra duties on Canadian imports.*

"A case has been brought before the central district court with the view of testing the legality of imposing extra duties on certain imports from Canada. Messrs. S. March & Sons brought an action against the Hon. R. O'Dwyer, Receiver-General, for the recovery of a sum of \$8, which they had paid as "extra" duty on a small importation of oats. The case is a very important one, as it brings up the whole question as to the legality of the course taken by our government in enforcing a higher rate of duties on certain products imported from Canada under one of the clauses of the revenue act. The section in question imposes extra duties on certain articles "imported from countries the fishermen of which have the privilege of taking fish on all parts of the coast of Newfoundland and its dependencies, in which countries duties are levied upon fish, etc., exported from this colony to such countries." The question involved is whether, in the face of the prohibition against the issue of licenses to Canadian fishermen to take bait fishes in our waters, they "have the privilege of taking fish, etc." Mr. Morrison, as counsel for the plaintiff, argued that as the people of the Dominion, whence this merchandise was imported, do not possess the same right of fishing upon the coast of Newfoundland that the fishermen of Newfoundland possess, being prevented by the Bait Act from exercising their claim, the right to collect increased duties upon the merchandise of the Dominion does not inhere in this colony. The counsel for the defence, Hon. E. P. Morris, argued in reply that Canadians are not prevented from taking fish on the coast of Newfoundland, inasmuch as the term *fish* in this colony meant *codfish*, and there was nothing to prevent them from taking codfish. On Newfoundland's portion of Labrador they could even take herring. The honourable the receiver general, in his evidence, stated that Canadians were excluded, since the 20th of March last, from getting licenses to take or purchase herring for bait. Under the instructions for enforcing the Bait Act, he stated that no licenses could be granted to Canadians. Before these instructions were issued (in the season of 1890) Canadian fishing vessels were liable to the provisions of the Bait Act, and could get licenses to procure bait. The correspondence on this subject between Mr. Fielding, Premier of Nova Scotia, and Sir W. Whiteway, Premier of Newfoundland, is admitted as part of the evidence in the case.

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The action is necessarily brought, in the first instance, before the central district court—which is presided over by two stipendiary magistrates. Whatever their judgment may be, an appeal will be taken to the supreme court, where the matter will be finally decided; so that a final decision will not be reached till May or June next."

#### MEETING OF THE LEGISLATURE.

"The legislature is summoned to meet 'for the despatch of business' on the 25th instant. The date is ten days later than usual, but the reason of the delay is not known. At present, nothing whatever is known as to what steps, if any, have been taken in connection with the disturbance of trade between this country and Canada, caused by the present war of tariffs. When the legislature meets the curtain will probably be lifted, and we shall learn whether the British government have moved in the matter, and with what result. At present all is conjecture; and it is not known whether there is any prospect of a restoration of harmonious commercial relations between the two belligerents. Neither is it known whether our government was invited to send a delegate to act along with the Canadian delegate now engaged in negotiating a reciprocity treaty with the United States. If such an invitation was given it has not been accepted by our government. If the subject of the fisheries is to form part of the negotiations at Washington, it seems a pity that the British fisheries of North America should not be dealt with as a whole, and Newfoundland be properly represented in the conference."

#### ONE OF THE OLD GOVERNMENT.

"A merchant who found his trade considerably crippled by the action of the Newfoundland government in imposing discriminatory duties against Canadian goods was actually sanguine enough to take action against the government for damages, on the ground that such duties were illegal. The judge, as might be expected, upheld the action of the government and the merchant has had the pleasure of throwing good money after bad. Supposing for one moment the decision had been the other way, what a splendid crop of suits would have been the result. *Even Canadian discriminatory duties against Great Britain might have been called in question.*"

#### No. 160

FEBRUARY, 27th, 1892.

W. A. MUNN, Esq.,  
22 St. John Street,  
Montreal.

MY DEAR SIR,—I have to acknowledge your letter of the 26th instant, in which you were good enough to enclose extracts from your local papers with regard to Newfoundland affairs.

The points touched upon, however, do not concern the action of Canada, in reference to the withholding of bait licenses from Canadian ships.

Our contention is based upon the invalidity of the order in council adopted by the government of Newfoundland, supposed to be founded upon the Bait Act of that colony.

I may also add, touching your reference to the last sentence in the second extract enclosed, that there are no Canadian duties which discriminate against Great Britain.

I am yours faithfully,

CHARLES H. TUPPER.

#### No. 161.

REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 29th February, 1892.

The committee of the privy council have had under consideration a telegram from Lord Knutsford, bearing date the 24th February, instant, asking that the sub-

stance of a resolution passed by the legislature of Nova Scotia last year, with respect to the convention between Newfoundland and the United States be telegraphed.

The minister of marine and fisheries to whom the telegram was referred states that he obtained a copy of the resolution, and a proposed amendment thereto, which did not carry, together with certain passages from the speech of the leader of the government who moved the resolution, and from that of the leader of the opposition who opposed it.

These extracts are appended to this minute.

The minister recommends that the following telegram be sent to the right honourable the secretary of state for the colonies:—

"Resolution, House of Assembly, Nova Scotia, April 13th, 1891, recites large interest of Nova Scotia in bank fisheries; value of privilege of procuring fresh bait on coast of Newfoundland; expresses regret that this privilege is refused; expresses sympathy with desire of Newfoundland to secure better trade relations with United States, and to obtain relief from the difficulties of the French shore; hopes for a solution satisfactory alike to imperial and colonial governments; concludes with hope that meanwhile Newfoundland will relax present regulations so as to permit sale of bait to Canadian fishermen. The leader of the government in supporting resolution insisted that no reflection was intended upon the action of the Dominion government, nor did the resolution commit the house to any view of the Bond-Blaine treaty, which he declined to discuss."

The committee advise that your excellency be moved to transmit a copy of this minute, and also copy of the extracts hereto appended, to the right honourable the secretary of state for the colonies.

All which is respectfully submitted for your excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

EXTRACTS from the *Debates and Proceedings of the House of Assembly, 1st Session, 13th Parliament.*

PROVINCE OF NOVA SCOTIA,  
MONDAY, 13th April, 1891.

*Newfoundland Bait Supply.*

Hon. Mr. Fielding (provincial secretary,) gave notice that to-morrow he would move that the house come to the following resolution:

That a large number of the people of Nova Scotia are interested in the prosecution of the bank fisheries.

The prosecution of such fisheries is facilitated by the privilege of procuring fresh bait on the coast of Newfoundland.

That this house has learned with deep regret that this privilege is now being refused to our fishermen by the government of Newfoundland and that serious inconvenience and loss are being caused by such refusal.

That this house warmly sympathises with the desire of the people of Newfoundland to secure better trade relations with the United States and to obtain relief from the difficulties connected with the French shore question, and trust that means may be devised at an early day to bring about these results in a manner that will be satisfactory alike to her majesty's Imperial government and to the colony of Newfoundland.

That pending a settlement of these important questions this house expresses its earnest hope that the government of Newfoundland may be willing to relax its present regulations and permit the procuring of bait by the fishermen of this country on fair and reasonable terms.

\* \* \* \* \*

Wednesday, April 15th, 1891.



\* \* \* \* \*

Hon. Mr. Fielding (provincial secretary), in moving the adoption of the resolution said :

The matter was one more of Imperial than dominion politics. If a sister colony adopted a course that the people of another colony considered unfriendly the only course would be to appeal to Her Majesty's government. He had reason to believe that action had already been taken by the dominion government to bring the subject before Her Majesty's government, and whatever advantage we might hope to gain from that the action of the dominion government would secure. He had no reason to doubt that the members of that government were dealing with the matter in a just spirit, and nothing in the resolution he moved was intended to reflect upon them in any way.

\* \* \* \* \*

It was a matter of general knowledge that the colony of Newfoundland had negotiated a reciprocity treaty with the United States, but when it seemed probable that the treaty would be carried out to the satisfaction of the people of Newfoundland, action was taken by the government of the dominion to prevent the completion of the negotiations. He did not mean to say that in what they did the Government of this dominion were not acting in the interests of the people of this country, but it did not enter into the question here whether they acted wisely or unwisely.

\* \* \* \* \*

Without reflecting in any way on the action of the dominion government, or upon any action that might hereafter be taken by them, and without reflecting upon the imperial government, he thought this house might adopt a resolution of a friendly nature asking the government of Newfoundland to reconsider their action, and if possible to adopt a more friendly policy towards the fishermen of this country.

\* \* \* \* \*

The purpose of the resolution was to express the hope that notwithstanding any causes of difference that might have existed in the past, the Government of Newfoundland would look at this question in a more friendly way, and reconsider their action, and adopt such a course as would be consistent with what the people of the province felt was due to them as a sister colony and a part of the British empire.

\* \* \* \* \*

Mr. Cahan said :—

\* \* \* \* \*

To-day or to-morrow the Newfoundland delegates would meet in London, with the representatives from the federal authority, and the representatives from the imperial government to discuss the matters that were under discussion here to-day, and these resolutions if cabled across to the other side, as they doubtless would be, and as he believed they had been, could not fail to create difficulties in the way of a settlement that would be favourable to the interests of this maritime province.

\* \* \* \* \*

He would rather that this resolution had not been submitted because it could do no good whatever, while it was calculated to do irreparable injury to the fishing interests of this province and the commercial interests of the Dominion. Therefore at the outset, since he presumed the resolution would be pressed to a division, he begged to move in amendment that all the clauses after the first two be struck out and the following added :—

"That this house expresses its sincere sympathy with those of our Bank fishermen who are suffering loss and inconvenience through this extraordinary action of the Newfoundland government, which, in violation of solemn pledges given by the government of that colony, denied our fishermen bait privileges in Newfoundland ports, and expresses its belief that the governor of Newfoundland is in honour bound to compensate them for all such losses.

"That at the present stage in the negotiations pending between the imperial government and the government of Newfoundland, and between the government of Canada and the government of Newfoundland, relative to the matters in dispute

between them, it is not expedient that this house, charged, as it is, solely with the administration of provincial affairs, and not fully informed regarding the matters in controversy, should express any further opinion thereon.

"And further that this House cannot entertain or express any sympathy with the government of Newfoundland in its attempt to force the imperial government into assenting to a treaty between that colony and the United States, of the character of the draft convention, submitted by the United States Secretary of state to the British minister at Washington on the 6th day of January last."

\* \* \* \* \*

Hon. Mr. Fielding (provincial secretary) said:—

He could not prevent honorable gentlemen opposite from saying that the resolutions were black, while they were white, or from saying that they meant what they did not mean. He could only ask honourable gentlemen to vote for the resolutions for the sake of what was in them, and not for the sake of what the honourable leader of the opposition said was in them.

He declined to discuss the Bond-Blaine treaty. The resolutions expressed sympathy with the people of Newfoundland in their efforts to obtain improved trade relations with the United States. Did that mean the Bond-Blaine treaty? Honourable gentlemen opposite had said that the people of Newfoundland did not want that treaty, and that there was almost a riot when it was disclosed what it was, and that the Government were attacked for being willing to agree to it. Into all these questions he declined to enter.

\* \* \* \* \*

#### No. 162.

1st March, 1892.

W. A. MUNN, Esq.,  
22, St. John Street, Montreal,  
Quebec.

MY DEAR SIR,—I have your letter of the 29th ultimo. I fear it will be impossible to send the telegram you suggest, as, in the first place, I have no authority to do so, and it is not the usual way of communicating any intention we have to take part in exhibitions.

The main object, however, that we both have in view, is to bring about an understanding with Newfoundland which will place our affairs on a mutually satisfactory basis, and I am glad to be able to tell you that the prospects are now that we shall at least have a friendly talk before long, either directly or indirectly, in London.

I await the figures and facts which you propose to lay before me with interest.

Yours faithfully,

CHARLES H. TUPPER.

#### No. 163.

OTTAWA, 1st March, 1892.

Captain REUBEN RITCEY,  
Schooner "Stella E,"  
Ritcey Cove, N.S.,

DEAR SIR,—In reply to your letter of the 22nd ultimo, respecting Canadian vessels procuring bait in Newfoundland next season, I beg to say that at present there is no change in the position of affairs, and that the government of Newfoundland insists upon refusing to grant licenses to Canadian vessels for the purchase of bait.

Yours faithfully,

CHARLES H. TUPPER.

## No. 164.

22 ST. JOHN STREET,  
MONTREAL, 3rd March, 1892.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—Yours of the 1st duly to hand, and it is pleasing to hear that there is a prospect of an early settlement.

I am also very pleased to see that Mr. Morine, late of Newfoundland, is now residing at Ottawa. There is not much need of me giving figures, etc., when he is at hand. I am certain that he will show you many ways to reach an early and amicable settlement with Newfoundland.

I have had several letters from Ontario millers stating that they are now forming delegations to visit you in Ottawa regarding this affair. I have written the secretary of the Millers' Association to-night suggesting that they should first communicate with you by letter, as this might render their visit unnecessary.

Your humble servant,  
WM. A. MUNN.

## No. 165.

REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 3rd March, 1892.

The Committee of the Privy Council have had under consideration the annexed report of the sub-committee to whom was referred a despatch dated 11th February, 1892, from Lord Knutsford, acknowledging the receipt of Your Excellency's despatches, numbers 303 and 304 of the 30th November, on the subject of the refusal of the Government of Newfoundland to issue bait licenses to Canadian fishermen.

The Committee concurring herein submit the same for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

(Copy of telegram.)

My Government, in a Minute just presented, controvert all the positions taken by Harvey and the Newfoundland Government in the documents covered by Your Lordship's despatch of February 11th in a Minute just presented.

They call attention to the fact which appeared at the recent conference with Blaine at Washington that tariff discrimination against Great Britain was the point at which negotiations for more extended trade arrangements between the United States and Canada broke off. This being in accordance with instructions of Her Majesty's Government, they cannot suppose Her Majesty's Government will approve a Convention by which the United States and Newfoundland will discriminate against Canada, as the draft Newfoundland Convention enables either or both to do. Canada can only obtain similar terms to those of Newfoundland by agreeing to discrimination while having the same advantages to offer as Newfoundland has offered as regards the fisheries.

Appreciating Your Lordship's wishes and desiring to avoid any estrangement with Newfoundland, they acquiesce in proposal for Conference, and will instruct the High Commissioner for Canada accordingly. Pending the result of reference to Judicial Committee of the Privy Council as to legality of exclusion of Canada from bait, etc., and pending result of proposed conference in London, they suggest that the former status be reverted to, Canadians being allowed bait and bait fishes same as Americans now; the exceptional duties recently imposed on Canadian imports into Newfoundland to be removed in Newfoundland and Newfoundland fishery products to be admitted free in Canada as before.

29th February, 1892.

*To His Excellency the Governor General in Council.*

The undersigned, having had referred to them a despatch from Lord Knutsford to Your Excellency, dated the 11th instant, acknowledging the receipt of Your Excellency's despatches Numbers 303 and 304 of the 30th November, on the subject of the refusal of the Government of Newfoundland to issue Bait Licenses to Canadian fishermen, beg leave to report as follows :—

Lord Knutsford transmits with the same despatch copies of correspondence with the Governor of Newfoundland and with Mr. Harvey, a member of that Government, who is at present in England, both as to the above mentioned subject and respecting the Convention between Newfoundland and the United States of America.

Your Excellency's Government gratefully appreciate the consideration for the interests of the people of Canada, which is evinced by Lord Knutsford's despatch to the Governor of Newfoundland, dated the 11th instant.

Referring to the letter dated the 7th of January last from Mr. A. W. Harvey to Lord Knutsford, which accompanies His Lordship's despatch, the undersigned observes that Mr. Harvey has been strangely misinformed as to nearly all the subjects which his letter refers to. He first refers to the negotiations which were attempted in 1868 between a Committee of the United States Congress and the Executive Council of Prince Edward Island, and claims that those negotiations do not constitute a parallel case to the recent instance of Mr. Bond's negotiations with the administration of the United States represented by Mr. Blaine, because (he says) it would appear that the idea was then entertained that Prince Edward Island, without consulting with or having the assent of Her Majesty's Government, intended to enter into a treaty with the United States. The contrary is the fact. The negotiations of 1868 were informal, inasmuch as the persons who represented Congress were not authorized to make a treaty and must have been aware that the Prince Edward Island Government were equally unauthorized. The members of the Executive Council of Prince Edward Island who negotiated with them do not appear to have entertained any idea of negotiating a treaty without the assent of Her Majesty's Government. Mr. Harvey further states that in the case of Newfoundland, negotiations were opened with the approval and assent of Her Majesty's Government by Her Majesty's Ambassador at Washington, and that the Convention was forwarded to Her Majesty's Government by that Ambassador. Mr. Harvey has not been informed, it would appear, that, while the negotiations were opened by Her Majesty's Minister at Washington, the Convention was not the result of those negotiations, but was the result of a private and unauthorized negotiation between a member of the Newfoundland Executive and the Secretary of State for the United States at interviews when Her Majesty's Minister was not present, and that Her Majesty's Minister was not aware that such negotiations were taking place until they were concluded. It is true that the draft Convention was forwarded to Her Majesty's Government by Her Majesty's Minister at Washington as soon as he discovered its existence, but the undersigned ventures to think that that circumstance is quite immaterial to any of the points which have been under discussion.

Mr. Harvey seems to think that the despatch of the Duke of Buckingham (which he refers to as a memorandum) with reference to the Prince Edward Island negotiations, should have little weight, as it was "written as far back as 1868." That despatch was referred to in the report, which Your Excellency approved on the 12th day of December, 1890, and which was transmitted to Lord Knutsford, for the purpose of showing that Her Majesty's Government had formally disapproved of separate negotiations being carried on by the Government of one colony with a foreign country on matters affecting other portions of Her Majesty's possessions, without the approval, at least, of Her Majesty's Government. If the date of the despatch of the Duke of Buckingham in any way lessens its weight, the undersigned will be able to show that the rule then laid down has since been emphatically repeated, and has not been departed from in any case, which can be found after research among the imperial and colonial documents accessible here.

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Mr. Harvey's statement, that "Canada cannot make use of any such argument, in consequence of her practice since that time of making separate arrangements with foreign governments, and her solemn assertion of the rights of self-governing colonies" is unsupported, and the undersigned think incapable of support by anything which has occurred in the history of Canada.

Mr. Harvey's assertion, that "Canada made the arrangements under which the Washington treaty was concluded," that by that treaty "Canada alienated, as it were, the fisheries on the coast of Newfoundland," and that thereby "one colony practically gave away the fisheries, not only on her own coast, but on that of another, and without consulting the other, and entirely against her wish," seem to be founded on some strangely mistaken notions of the Washington treaty of 1871.

That treaty was negotiated by several plenipotentiaries representing Her Majesty and plenipotentiaries representing the United States. Among the former was a Canadian, it is true, but the "arrangements" of that treaty were in no sense made by Canada. The treaty was made by Her Majesty's representatives and ratified by Her Majesty after full consideration of all the interests involved, both British and Colonial. The Parliament of Canada and the Legislature of Newfoundland adopted the enactments which were necessary to make its provisions effective, Canada thereby making great concessions in consideration of imperial interests, and Newfoundland concurring in order to obtain the benefits of the treaty as regards access to the markets of the United States.

The comparison which Mr. Harvey makes between the Convention of 1888, which was not ratified by the Senate of the United States, and any arrangement which Canada is now likely to make with the United States, seems not to require extended comment. It may be observed, however, that that Convention was not less favourable to the interests of Newfoundland than to those of Canada, that it was adopted by the Newfoundland Legislature as well as by the Parliament of Canada, and that when Mr. Harvey argues from its rejection by the Senate that any arrangement which Canada could obtain now must be a less favourable one than that Convention, he impliedly admits that Mr. Bond's arrangement is less favourable to this colony than the Convention of 1888, although he proceeds to declare that the terms of the two are almost identical. This point seems worthy of the attention of Her Majesty's Secretary of State for the Colonies. It may well be asked: If the terms of Mr. Bond's draft Convention are almost identical with those of the Convention of 1888, why should it be more difficult for Canada to obtain the like terms if she so desires? The only answer to this question would seem to point to the advantage which might accrue to a foreign country by discriminating in favour of one neighbouring colony and against another neighbouring possession of Her Majesty—an advantage having political results affecting the relation of the colonies to each other and to the Empire, or having commercial results as compelling one colony to make larger concessions by reason of the fact that another colony has in advance utterly destroyed a defence that was common to both—*e.g.* the defence provided by the Treaty of 1818.

With further reference to the despatch of Lord Knutsford which transmits these documents, the undersigned note the observation of His Lordship 'hat, if Your Excellency's Ministers should not succeed in obtaining a satisfactory arrangement with the United States, the attitude of Her Majesty's Government in regard to the signature of the Convention will have to be reconsidered. They venture to express the hope that Her Majesty's Government will at the same time consider the principal reason why Your Excellency's Ministers have not succeeded in obtaining a satisfactory arrangement with the United States. The record which has been transmitted to the Secretary of State for the Colonies will show Her Majesty's Government that an arrangement with the United States for greater freedom of trade between the two countries and for a settlement of the fishery question was found to be impracticable unless Canada would consent to apply to the Mother Country the discrimination which Newfoundland and the United States propose to apply to Canada. The effect which that discrimination would be likely to have under the Bond Convention on

Canadian interests are set forth in previous reports on the subject, and the undersigned have reason to believe that Lord Knutsford fully appreciates the effect of such discrimination, from correspondence which has taken place between His Lordship and Your Excellency with regard to negotiations between Canada and the United States.

Your Excellency's Government have not been informed of any change of opinion on the part of Her Majesty's Government as to the value of the principle that in negotiations with foreign countries the interests of Great Britain and of the Imperial Possessions should be kept in view by those to whom may be entrusted the duty of conducting or sharing in such negotiations.

In consideration of the strong wish expressed by His Lordship for an amicable arrangement, and in order to avoid, as far as it can possibly be done by Your Excellency's Government, an estrangement of feeling between the people of Canada and the people of Newfoundland, the undersigned recommend that His Lordship be informed that Your Excellency's Government cordially acquiesce in his proposal for a conference between representatives of the Dominion and Newfoundland on the points at issue, and they recommend that, with that object, Sir Charles Tupper, the High Commissioner for Canada, be instructed as to the views of Your Excellency's Government, and be requested to act at such conference on behalf of the Dominion.

The undersigned recommend that Lord Knutsford be assured that the disposition of Your Excellency's Government is to avoid any such estrangement, and they suggest that, pending the result of the reference to the Judicial Committee of the Privy Council as to the legality of the regulations by which the fishermen of Canada are denied the right to procure bait and bait fishes in Newfoundland and Labrador, and pending the result of the conference which His Lordship has proposed, an arrangement be made, if practicable, by which both Canada and Newfoundland shall revert to the status which existed before the present disagreement arose, viz.: That Canadian fishermen and fishing vessels be permitted to procure bait and bait fishes in Newfoundland as United States fishermen and fishing vessels procure them now, and by which the scale of duties on imports from Canada which was in force before the recent increase of imposts on those imports be reverted to, and, in Canada, the exports of Newfoundland be relieved from the duties which have been imposed on them recently in accordance with the law of Canada; which duties, though exigible under that law, Canada had previously abstained from enforcing.

The undersigned think it may be necessary to remind Lord Knutsford that the Government of Newfoundland appears by its minute of 24th December, 1891, to be mistaken as to the position of the Government of Canada with regard to those duties. No proposition was ever made in Canada to impose exceptional duties on the products of Newfoundland, nor are the duties complained of by the Government of Newfoundland exceptional. They are applied to all like products whatever may be the country of origin. They can be suspended in regard to Newfoundland products only by Newfoundland extending exceptional treatment to exports of Canada.

The undersigned recommend that a copy of this report, if approved, be transmitted to Her Majesty's Principal Secretary of State for the Colonies.

Respectfully submitted,

JNO. S. D. THOMPSON,  
CHARLES H. TUPPER.

No. 166.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

MONTREAL, 4th March, 1892.

DEAR SIR,—I now confirm the telegrams which have passed between us, and have wired Newfoundland that you have made a liberal proposition through the English government, and no doubt they will await particulars of same.



I am exceedingly pleased that everything is now in a definite shape, and I trust that your proposition will meet with the acceptance of Newfoundlanders.

Your humble servant,  
W. A. MUNN.

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No. 167.

(Telegram.)

MONTREAL, 5th March, 1892.

Hon. C. H. TUPPER, Ottawa.

Report in *Gazette* this morning lacks foundation. Harvey now on way to Newfoundland. Would suggest trying get delegate from Newfoundland. Reply.

W. A. MUNN.

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No. 168.

MONTREAL, 5th March, 1892.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

DEAR SIR,—I have another telegram from Newfoundland stating that "They have not heard of any proposition, and that everything will be delayed if this is left to England."

I think that the sooner we could get back to working terms the better, especially as Canada has got everything to gain in this matter; there is no possibility of any quantity of fish coming forward from Newfoundland till next fall.

I see by this morning's *Gazette* that these matters are being left for an amicable adjustment at London, between the high commissioner and Mr. Harvey, of Newfoundland, and feel sure that they will find a solution. But Newfoundland's proposition asking that you withdraw your protest to convention is sure to be insisted upon.

Your humble servant,  
W. A. MUNN.

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No 169

[Telegram.]

MONTREAL, 7th March, 1892.

Hon. CHARLES H. TUPPER,  
Ottawa.

Mr. Harvey now in Halifax; leaves there to-morrow. Would you like to meet him with delegation Thursday?

W. A. MUNN.

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No. 170]

[Telegram.]

OTTAWA, 7th March, 1892.

W. A. MUNN, Esq.,  
Montreal.

The appointment for Thursday is for Canadian millers. I see no occasion to trouble Mr. Harvey.

CHARLES H. TUPPER.



## No. 171.

*REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 7th March, 1892.*

The Committee of the Privy Council have had under consideration a telegram herewith, dated 21st November, 1891, from the Governor of Newfoundland, with reference to the restrictions on export of bait.

The Government of Newfoundland declare in this telegram that they are compelled in self-protection to continue the restrictions upon the export of herrings, on account of the opposition of the Canadian Government to the proposed convention between the United States and Newfoundland, and the persistence of Canadian fishermen in supplying the French with bait.

The reasons now advanced for the application of the provisions of the Bait Act to Canadian vessels are presented to the Canadian Government, so far as the Minister of Marine and Fisheries is aware, two years after such a policy was adopted.

An examination of the question of the supply of bait to French fishermen engaged on the Newfoundland Banks, shows that Sir Henry Holland in a communication dated 3rd February, 1887, pointed out to the Government of Newfoundland that in the negotiations since 1857, the sale of bait to French fishermen had been invariably contemplated, and was agreed to on more than one occasion by the representatives of Newfoundland.

That in Resolutions adopted in 1867 and again in 1874, the Newfoundland Legislature agreed to a clause allowing the French to purchase bait at such times as British subjects might lawfully take the same.

While more recently, when the "Arrangement" of 1884 was in its first stage, the Government of Newfoundland, although pressing for other modifications, did not object to the article providing for the sale of bait to the French fishermen.

It was only so recently as the spring of 1886, when the "Arrangement" as revised in 1885 was presented for the final approval of the Newfoundland Legislature, that exception was taken to the sale of bait to French fishermen. This objection resulted in the passage of an Act to give effect to it.

The Secretary of State for the Colonies pronounced this action of the Newfoundland Government to be an "entire departure \* \* \* \* from the policy which has been so long adhered to," and the Bill was not submitted for Her Majesty's assent, because the fishing season was fast approaching, and notice had not been given to the French of the proposed discontinuance of the practice.

The Secretary of State added that he desired full information on the whole subject to enable Her Majesty to decide whether the proposed legislation would prove an effective remedy for the lowered prices of fish which the French bounty system had superinduced in the European markets, and which rendered fishing no longer profitable to the colonists.

The correspondence between Newfoundland and Canada from this date up to the time when assent was given to the Bait Act, shows that when the representatives of Newfoundland gave those voluntary and explicit pledges which removed the Canadian objections to that Act, no obstacles to its proper working, such as are now urged, were apprehended by that Government, and up to the year 1890, when the Act was first enforced against Canada, there was no suggestion of anything of the kind.

Until that period there had been a uniform application of the Act to British subjects. The Newfoundland representatives indeed regarded the Canadian fishermen as less likely to thwart the object of the Bait Act than their own countrymen, a fact established by Sir Ambrose Shea's letter to the Colonial Office dated 27th April, 1887, in which he says:—

"This Act was passed to protect the bait fishes on the Newfoundland coast against the use by foreigners, whose bounty assisted operations have been disastrous to British interests. The measure embraces the rights of all British fishermen and regards them in the same light in every respect. Canadian fishermen in common

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with our own are seriously affected by the bounty assisted rivalry of foreigners, and must in a corresponding degree be benefitted by our conservative legislation.

"The working clauses of the Act are such as local knowledge only could have wisely devised for its effective execution and I may observe that they were adopted mainly by their regard to the application to the limited number of our own people by whom it was thought the chief efforts might be made to infringe on its provisions."

The italics are those of the Minister of Marine and Fisheries.

Sir Robert Thorburn in a communication of the same date to the Colonial Office, said:—

"No difficulty will arise in procuring the license required by the Act as it cannot be supposed that regulations will be imposed that will hamper the operations of our own fishermen in an equal if not greater degree than those of our neighbours."

It was not, as already stated, until the year 1890, when the Bait Act was first enforced against Canada, that the supply of bait to the French by Canadian fishermen was alleged as a justification of the course adopted by Newfoundland towards the Dominion.

In April of that year, the Honourable R. Bond, Colonial Secretary, writing to Mr. Cecil Fane, said that it was found impossible to enforce the bait Act if British ships not of Newfoundland were permitted to take supplies, which in many cases, find their way to St. Pierre, and under the circumstances, the Government had no alternative but to put all outside vessels on the same footing under the Bait Act.

The foregoing complaint, it will be observed is entirely general in its character, and there is not on record a single case of the violation of the Bait Act having been brought to the notice of the Canadian Government. The fear implied in the Colonial Secretary's letter should, however, have been dispelled by the intimation conveyed to the Newfoundland representatives of the willingness of the Dominion Government to frame legislation to prevent any violation of the Bait Act by Canadian vessels on condition that the privileges hitherto enjoyed by those vessels in common with those of Newfoundland was restored to them.

There is, it may be remarked, reason to believe that the colonists of Newfoundland carry on an extensive traffic in herrings procured at the Magdalen Islands and sold by them at St. Pierre at remunerative prices. On one occasion it was reported that a fleet of about sixty sail resisted the authorities to such an extent as to throw one man overboard in carrying bait from Fortune Bay to St. Pierre.

It is submitted that instances such as the above illustrate the source from which Newfoundland has reason to apprehend obstacles in the enforcement of the Bait Act, rather from Canadian fishermen, against whom specific charges have never been formulated, nor can a single instance be adduced in which the "early bait" required by the French has ever been supplied to them by Canadians with fish taken in Newfoundland waters.

It is moreover to be remembered that there is nothing to prevent United States fishing vessels which are permitted under the regulations of 1891 to obtain bait without license fee from resorting to the practice of supplying the French with bait.

In 1890, Mr. Bond assumed the position that it was necessary to put all outside vessels on the same footing to ensure the proper enforcement of the Bait Act. This necessity however was ignored in 1891, and while United States fishermen were accorded every facility for obtaining bait, Canada was not only prevented from procuring it, but by a strict interpretation of the term "bait fishes" the traffic of Canadian vessels in "frozen herring," whether for bait or for purposes of commerce, was prohibited.

The Government of Canada cannot but regret that the views expressed by Sir Robert Thorburn in his letter of 27th April, 1887, as to the desirability of British fishermen retaining control of the bait supply, appear not to be appreciated at present in Newfoundland. In that letter Sir Robert says:—

"The inference drawn by Sir G. W. des Voeux \* \* \* that Canada would suffer from its disallowance, inasmuch as Americans and other foreign fishermen would continue to procure their bait supplies in Newfoundland waters, parti-

cularly if excluded from this privilege in the Dominion, seems a perfectly correct conclusion, and serves practically to illustrate the desirability of British fishermen retaining the undivided control of so important an element as the bait supply, giving them a vantage ground over their bounty sustained rivals."

The treatment extended to Canada by the Newfoundland Government does not accord with Sir William Whiteway's promise at the conference with the Canadian representatives in London in August, 1890, to do what he could to meet the difficulty, when the report of the Commission of Enquiry had been received, nor with his express recognition of "the importance of having the most cordial relations between Newfoundland and Canada."

The Dominion Government regrets the reference made by the Newfoundland Government to the action of the Government of Canada respecting the proposed Convention between that country and the United States, as introducing an element foreign to the question at issue.

The action of Canada in requesting Her Majesty's Government to refuse to sanction a separate treaty designed to place foreign fishermen on a footing in British waters detrimental to British subjects, can scarcely be regarded as affording justification for the refusal to permit the Canadian subjects of the Queen to enjoy their rights in British waters.

In conclusion the Government of Canada desire to observe that the opinion held by Sir Robert Thorburn, at the time of the negotiations for the Bait Act, was of a different character to the views which appear to actuate the Newfoundland authorities at present, respecting the application of the Bait Act to Canadians and the discrimination against Canada in favour of the United States.

In his letter to the Colonial Office of the 27th April, 1887, Sir Robert says in relation to the request of the Canadian Government that the Assent to the Bait Act should be delayed until Canadian opinion had been expressed relative to its interpretation.

"I feel constrained to say that such opinion is at entire variance with the spirit and intention of the Act, and feeling certain that such is the case, I waive consideration of the question how far the Government of Canada, or indeed, that of any government save that of Her Majesty, has any right to interfere in a question which involves the rights of the legislature of Newfoundland to make such laws as it may deem proper for the regulation of its own internal affairs and the conservation of its property rights which are not affected by treaty obligations, nor in their operations under the proposed Act, interfering differentially with the privileges of any portion of Her Majesty's subjects."

The Minister of Marine and Fisheries could not close his report without expressing the hope that in the light of dispatches subsequent to the foregoing reference, a further discussion of the points above may be unnecessary.

The Committee concurring in the above report recommend that Your Excellency be moved to forward a copy of this minute if approved to the Right Honourable the Principal Secretary of State for the Colonies for the information of Her Majesty's Government.

The Committee further recommend that Your Excellency be also moved to forward a copy to His Excellency the Governor of Newfoundland.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

[Enclosure 1 in No. 171.]

*Governor of Newfoundland to His Excellency the Governor General.*

21st November, 1891.

Referring to your telegram of 11th November, restrictions of export of bait fishes, my Government regrets action of Canadian Government in opposition to

Newfoundland's proposed Convention with United States of America, and the persistence of Canadian fishermen in supplying the French with bait to the injury of this Colony, compels Newfoundland in self protection, to continue the restrictions of export of herrings.

GOVERNOR.

No. 172.

*REPORT of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 7th March, 1892.*

The Committee of the Privy Council have had under consideration a report dated 4th March, 1892, from the Minister of Marine and Fisheries having reference to statements made that American fishermen were permitted by Newfoundland to fish within the three mile territorial limit from which they are excluded under the Convention of 1818.

The Committee on the recommendation of the Minister of Marine and Fisheries advise that Your Excellency be moved to forward a copy hereof to the Right Honourable the Principal Secretary of State for the Colonies for the information of Her Majesty's Government.

All of which is respectfully submitted for Your Excellency's approval.

JOHN J. MCGEE,  
Clerk of the Privy Council.

[Enclosure 1 in No. 172.]

OTTAWA, 4th March, 1892.

*To His Excellency the Governor General in Council.*

The undersigned has the honour to report, for the information of Your Excellency, that having observed in the issue of the *Cape Ann Advertiser* newspaper, of Gloucester, Mass., of 26th November, 1891, a statement to the effect that American fishermen were permitted by Newfoundland to fish within the three mile territorial limit, from which they are excluded under the convention of 1818, he caused enquiry to be made, so as to ascertain whether the statement was true.

The enquiry shows, that while at that time it was not known that any official permission was formally granted to United States fishermen to enjoy the inshore fisheries of the Island, it was probable that in effect that was accomplished by non-intervention on the part of the authorities of Newfoundland with the operations of United States fishermen.

Subsequently, however, the undersigned received a clipping from the *St. John's Evening Herald* of 29th December last, hereto appended, detailing the methods which were resorted to in this direction.

These consist in an agreement between parties serving as fishermen on board of United States fishing vessels and the master of the vessel, by which they engage to serve until a fare of herring is obtained, or until the schooner clears or sails, and to aid and assist the crew of said schooner with their labour, boats, nets and other fishing gear, to secure and prepare such fare of herring.

They further engage to serve and fish under the direction and command of the master, either on board the schooner, or in boats, or on shore, wherever the master may direct.

The master agrees to pay a certain sum for every tub of herring put aboard his schooner, the sum to be divided among the fishermen in proportion to the number of fish caught by each.

A release is given to the master of the vessel from all claims or demands for wages by the men as "recent fishermen" on his vessel.

Then follows the discharge of the fishermen.

An affidavit is made before some competent authority that the herring shipped on board the vessel were caught by the captain and crew, and that the Newfoundland fishermen, as members of the crew, assisted with their labour, boats, nets and other gear in catching and preparing the same.

Finally there is a certificate signed by a competent official of Newfoundland, to the effect that the fare was procured within a certain district, and caught by the crew of the said schooner, assisted by native fishermen, and that the same are the product of the American fisheries.

It will be observed that under such an arrangement as is thus described, the United States fishermen have the advantage denied them by the Convention of 1818, relating to the Atlantic fisheries of British North America.

They are at the same time enabled to escape the duty levied by the tariff of their country upon Canadian fish.

They can secure all bait supplies necessary for their operations free of charge.

They are accorded such privileges in common with the local fishermen, but they have the additional advantage over them in the free admission of fishing gear, etc.

They are enabled to dictate their own terms by means of the protective duties imposed in the United States upon all fish caught in British waters by British fishermen, which have not been converted into American caught fish by the expedients thus adopted, as above explained.

On the receipt of this information, the undersigned enquired from Sir James Winter, K.C.M.G., of St. Johns, Newfoundland, formerly Attorney General of the Government of this Island, whether the statement could be substantiated.

From his reply which is hereto appended, it will be gathered that the statement is substantially correct.

The undersigned believes that this opportunity should not be lost of calling the attention of Your Excellency to the position in which Canadian fishermen are placed in the waters of Newfoundland, the difficulty of which is thus greatly augmented by the wholly unwarrantable state of affairs said to exist.

Newfoundland imposes heavy license fees upon Canadian fishing vessels on her coasts and in her harbours, for the privilege of purchasing bait supplies, which hitherto they had enjoyed in common with Newfoundlanders respectively, on the coast of the Dominion, and of the colony of Newfoundland.

Against this treatment which placed her on a footing with foreign nations, Canada remonstrated without success.

The Newfoundland Government, although assurances have been given to Her Majesty's Government that the Act under which these fees were levied would not be applied to British subjects, went further, and prohibited Canadian fishermen from obtaining bait, denying them the right even to purchase it. The effect of this action upon the operations of the Canadian fishing fleet does not require comment.

Under the Bait Act of 1877, the exportation of "bait fishes" is interdicted.

After the fishing season a large trade had been conducted by Canadian vessels in "frozen herring" for commercial purposes.

The Newfoundland authorities declined to allow the Canadian traders to purchase these "frozen herring" from the Newfoundland dealers or fishermen for exportation from the Island, alleging that they were "bait fishes," the exportation of which is interdicted by the Bait Act.

Why placing Canadian fishermen in this disadvantageous position the Newfoundland Government were extending the fullest privileges to those of the United States, who were, and are allowed to purchase or obtain bait free of charge and without any impediment to their operations.

If the present arrangement under review be carried out, the United States fishermen will be placed in the enviable position of not only possessing all the privileges devolving upon the Newfoundland fishermen themselves, but will be assisted by the action of the Newfoundland authorities in maintaining a position much more favourable as regards the tariff of their own country. This cannot fail

to give them an undue advantage in competition, not only over the hampered operations of Canadians, but over Newfoundland's own colonists as well.

Newfoundland has endeavoured to defend her action and attitude towards Canada on most singular grounds.

It was alleged that the assurances given by Sir Ambrose Shea and Sir Robert Thorburn, in 1887, of a uniform application of the Bait Act to all British subjects should never have been asked by Canada, and were not such as should be held by Her Majesty's Government as binding; that they could not be binding upon the present Government, etc.

Also that it had become necessary for Newfoundland, in self defence to exclude Canadians, because of their action in supplying bait to the French. They were accused of violating the Bait Act and otherwise supplying bait to the French fishermen.

All these arguments were fully met by the undersigned in various reports to Your Excellency during the past two years.

It was shown that Canadians had not been proven to have violated the Bait Act; that on the contrary the principal defeat of the Bait Act, if any, as regards the French, was brought about by the Newfoundland fishermen, who supplied the Islands of St. Pierre and Miquelon with bait from the Magdalen Islands.

Also, that Canada had offered to pass an Act to prevent any possible violation of the Bait Act by Canadians, when her rights and privileges were restored.

Newfoundland, it is true, has proposed that Canada shall pass a Bait Act on similar lines to their own, to exclude the French fishermen from the bait supply, and to assist in enforcing their Act against the French and help to recompense certain losses made by stopping the supply of bait to the French.

This proposal has already been dealt with by the undersigned in his report embodied in the Minute of Council of 21st November, 1891. (748 H. I.)

The undersigned, however, would briefly refer to the stress which the Newfoundland authorities appear to lay upon the non-existence of an anti-French Bait Act in Canada, contingent upon the existence of which they aver shall be the bait supply to Canadians.

If this objection be well founded—and assuming for the moment that it is—and the exclusion of British subjects from participation in the bait supply, thus justifiable, it may be asked how does Newfoundland reconcile her policy in granting licenses free of charge to the citizens of another foreign nation, who are on precisely the same footing as are Canadians, so far as the existence of an anti-French Bait Act is concerned, with that pursued towards Canada.

The United States Government is not asked by Newfoundland to legislate against the French before their fishermen can secure their bait supply, yet, their conditions in this respect in no way differ from those of the Canadians.

Canadian fishing vessels do not seek bait for the purpose of selling it to the French. On the contrary, being necessary for their operations, they require it for their own use, just as the United States vessels do, and are no more likely to dispose of it to the French than are the United States fishermen. Still, the United States vessels have no difficulty in obtaining all the bait they require.

It would appear to the undersigned that to be consistent, or to give any force to the objection raised, it would be imperatively necessary for the Newfoundland authorities to extend the same treatment to the United States vessels regarding the bait as is shown to those of Canada.

Therefore, the refusal of bait to the Canadians, while allowed to the United States citizens, is unjustifiable for the very reasons given to support it.

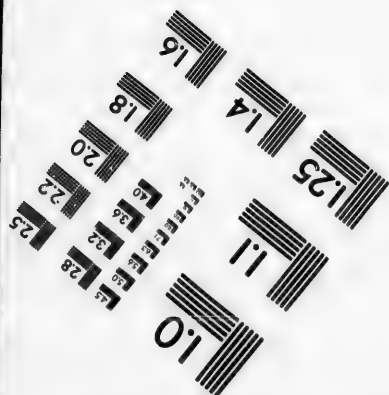
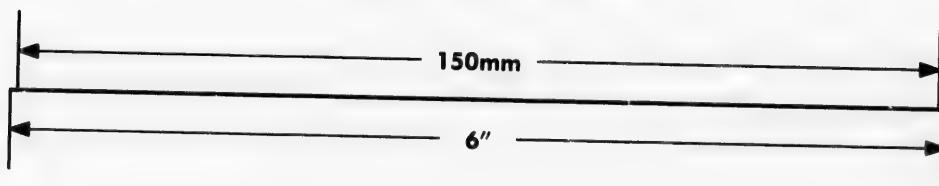
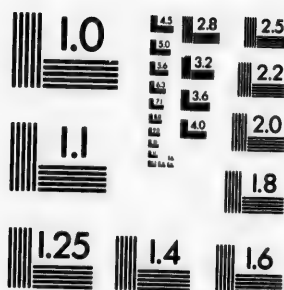
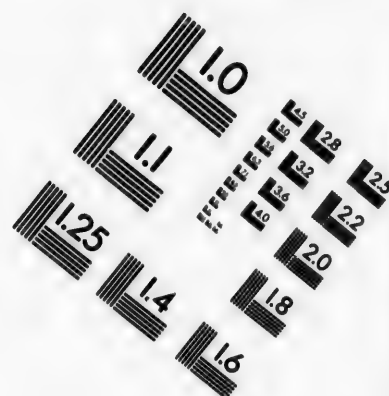
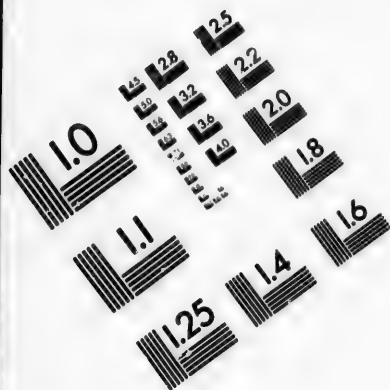
The Newfoundland authorities assert that the action taken by Canada to induce Her Majesty's Government to fully enquire into the probable effect of their proposed convention with the United States upon British interests generally, was responsible for the course pursued by Newfoundland against Canada.

Canada's action in this connection was, it is submitted, not directed against Newfoundland, but was solely in the interests of British rights in America.



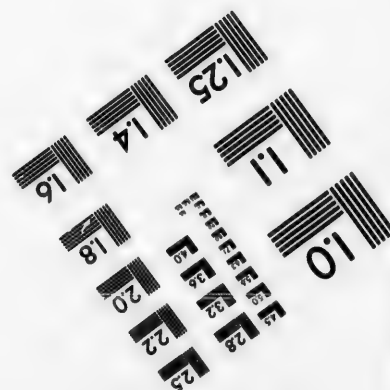


# IMAGE EVALUATION TEST TARGET (MT-3)



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Any separate arrangement which assisted in placing foreign fishermen on a more favourable footing in British waters must, necessarily, be carefully considered in the interests of all parties concerned.

Canada, in all her dealings of a similar nature, had fully advised Newfoundland as to negotiations.

In the treaties of 1854, 1871 and 1888, the consent of Newfoundland was made contingent to ratification.

But, in the draft Convention, Newfoundland had entirely departed from this rule, and sought a separate arrangement.

There is no force in the subsequent suggestion that the convention was not to be interpreted as discriminating against Canada and other countries in favour of the United States.

The language of the draft convention bore such interpretation, and consequently could not be disregarded. United States fishermen at that time were more generously treated by Newfoundland than were Canadians.

Besides, Canada had already experienced such treatment at the hands of Newfoundland in the light of previous pledges, that their Government naturally viewed with alarm the investment of any further powers to the Executive of that colony, calculated to increase their opportunities for discrimination against the Dominion.

If the information which has reached the undersigned as above set out be correct, it would appear that the Government of Newfoundland is indirectly if not openly, conceding privileges to the United States, contrary to the provisions of the Treaty of 1818, and which she denies to a neighbouring British colony.

The undersigned deems it his duty to bring these facts to the attention of Her Majesty's Government, and accordingly recommends that this report, with its appendices, be transmitted to the Right Honourable the Principal Secretary of State for the Colonies, for submission to Her Majesty's Government.

Respectfully submitted,

CHARLES H. TUPPER.

*Minister of Marine and Fisheries.*

[Enclosure 2 in No. 172.]

(*Evening Herald, St. John's, Tuesday, 29th December, 1891.*)

AMERICAN FISHING AGREEMENTS.—THEIR TRUE INWARDNESS.—HOW THE WILY  
YANKEES USE OUR FISHERMEN TO THEIR OWN ADVANTAGE.

We have been favoured with copies of certain documents relating to the business of taking herring in our waters by and for the Americans, which discloses a depth of rascality so far as the chief actors in the business are concerned, and recklessness and folly as regards the interests of our own people, of which the most infatuated followers of Mr. Bond's will-o'-the-wisp will be ashamed. The documents speak for themselves more plainly and more loudly than any words of ours could do. The first is copy of the articles of agreement, or "fishing articles" between the master and owners of the American vessels, sent down to our ports to procure frozen and salted herrings, on the one side, and the so-called "crews" of these vessels on the other.

It is as follows:—

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_ 189 , by and between

Captain of the American schooner \_\_\_\_\_ of the first part, and the persons whose names are below subscribed intending to serve as fishermen on board said schooner of the second part, witnesseth as follows:—

First,—The said parties of the second part hereby agree, in consideration of the agreement herein made by the parties of the first part, to serve as fishermen on board

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said schooner until a fare of herring is obtained or until said schooner clears or sails, and to use their best efforts during all the time this agreement remains in force for the success of said fishing enterprise, and to aid and assist the crew of the said schooner to the best of their ability, with their labour, boats, nets, or other fishing gear, to secure and prepare said fare of herring. And said parties of the second part further agree to serve and fish under the direction and command of said captain either on board said schooner or in boats or on shore wherever said captain may direct. All herring taken by the parties of the second part shall be delivered on board said schooner. It is understood and agreed that the parties of the second part shall, in cases of necessity, employ other fishermen, boats and gear, to assist in procuring and preparing said trip.

Secondly, And the said party of the first part agrees to employ the said parties of the second part, as above set forth, to keep an account of all fish caught and to pay the parties of the second part in full satisfaction for all services rendered under this agreement the sum of \_\_\_\_\_ for every tub of herring laden on board said schooner, said sum to be divided among said fishermen in proportion to the number of fish by each caught.

The above agreement was duly executed by the undersigned before me this  
day of \_\_\_\_\_ 189 .

#### RELEASE.

Next is a form of release or discharge, to be signed by the so-called "members of the crew" upon being paid for the herring sold by them to the schooner owner, as follows:—

We, the undersigned, recent fishermen on the schooner \_\_\_\_\_, do each one for himself, by our signatures hereto, given in consideration of the settlement made before \_\_\_\_\_ at the port of \_\_\_\_\_, release the masters and owners of said schooners from all claims and demands for wages in respect to services rendered upon said recent voyage and employment.

Next is a certificate, to be signed by some competent Newfoundland official, as follows:—

I hereby certify that the particulars herein stated are correct, and that the above named fishermen were discharged in my presence this \_\_\_\_\_ day of \_\_\_\_\_ 189 .

Then comes a form of affidavit, to be made before some competent authority in this country, to the effect that the "fare" of herring shipped on board of the vessel were caught by the captain and crew, and that the Newfoundland fishermen, as "members of the crew," assisted in catching and preparing the herring, etc., as follows:—

We, the undersigned, recent fishermen on board the American schooner \_\_\_\_\_, on oath say that the fare of herring now on board said schooner were caught by the captain and crew of said schooner, and that we, as members of said crew, assisted with our labour, boats, nets and other gear in catching and preparing the same.

Then personally appeared the above undersigned, and made oath to the truth of the above statement by them subscribed before me.

Last, and most villainous of all, is a certificate to be signed by some competent public official in Newfoundland, as follows:—

I hereby certify that the fare of the American schooner \_\_\_\_\_

— barrels of frozen herring,  
— do salt do  
Valued at \$ \_\_\_\_\_

were procured in this district, and were caught by the crew of the said schooner, assisted by native fishermen, and that the same are the product of the American fisheries.

In order to understand the full import of these documents, and the arrangement under which they have been prepared, the following obvious facts and conclusions must be kept in view:—

First. That the American vessels and their crews which have been sent down to our bays (notably Placentia Bay) in such numbers to prosecute this business, have been fitted out and engaged upon the faith and assurance that the terms of these agreements will be carried out, and that by the assistance of the certificates, affidavits, etc., the forms of which (printed) have been

#### SUPPLIED TO EVERY VESSEL.

Second. That no American owner of ordinary "cuteness" would fit out and send his vessel on such a venture, without a complete assurance that all these arrangements with his crew would be carried into effect.

Third. That not only a previous assurance had been obtained from American authorities that the herring to which these papers relate would be admitted duty free into the United States, but also that the co-operation of the Newfoundland Government had been obtained in order to secure the furnishing of the required "certificates" and "affidavits" by their officials, in the form prescribed by their American friends.

#### THE BAREFACED AUDACITY

of the methods thus described for carrying this business into effect is only in keeping with the rascality and folly of the business itself. Briefly, the "points" of this newest Bond-Gloucester arrangement are these:—

1. That the Americans are to have not only the commercial privileges of securing bait supplies, etc., in our waters, without charge or tax of any kind, but that they are now to be given the right as fisherman, to fish in our waters, in competition with our own fishermen.

2. That not only are they to have these privileges, but further, that they are to have them, together with other advantages over our fishermen, in the free admission of some of their fishing gear, as against the duties which our fishermen have to pay on these articles.

3. That our fishermen are to be turned into the mere servants, the "hewers of wood and drawers of water" of American fishermen, and upon their (the Americans') terms.

4. That the Americans are thus given the power to so dictate their own terms to our fishermen, by means of the protective duties imposed in the United States upon all fish caught in Newfoundland waters and by Newfoundland fishermen, but not turned into "American caught" fish by this villainous arrangement.

5. That in addition to free bait, we are now giving the Americans, absolutely for nothing, all the benefits of the Washington Treaty, as to free fishing in our waters, without the advantages which that treaty gave us of free markets in the United States for our fish.

6. That further, by resorting to a clumsy contrivance in the employment of the so-called "assistance" of Newfoundland fishermen to "catch" fish for them, and by the use of false affidavits to be made by those fishermen, and of certificates to be furnished by our Government officials, also stating the most barefaced and shameless falsehoods, the American schooner owners are to have the benefit of the protection intended by the laws of the United States to be given to American fishermen only, upon all the fish caught under this "arrangement" by Newfoundland fishermen in Newfoundland waters. In other words, by a clumsy and barefaced lie, certified by Newfoundland Government officials, the United States revenue is to be defrauded, and the honest and *bona fide* American fishermen, as well as Newfoundlanders, are to be subject to this unfair and unlawful competition.

[Enclosure 3 in No. 172.]

ST. JOHNS, NEWFOUNDLAND, 22nd January, 1892.

DEAR MR. TUPPER,—I have just received your note of the 9th and have only time to say in reply that I have no objection to your naming me as an authority in relation to the statement in the *Evening Herald*, in your communications with the Imperial Government. It may be well that it should be known at headquarters that the good sense of the people of the colony on this question is not represented or expressed by its present rulers. But, that on the contrary, so far as we can gather, there is a greatly preponderating if not overwhelming opinion and feeling in the colony antagonistic to the present anti-Canadian and anti-British conduct.

In haste, yours sincerely,

J. S. WINTER.

## No. 173.

BURGES, WESTERN SHORE, NEWFOUNDLAND, 15th March, 1892.

Hon. C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

SIR,—I have the honour of writing you requesting information at your earliest convenience as to whether my having made use of my "cod seine last summer on the Canadian Labrador shore," by paying the license for that privilege for my schooner "Notice" whether the same privilege will be extended to me the coming summer, should I think of going there, "by paying the license as required."

I have the honour to be, sir,

Your obedient servant,

JOHN VACHER, JR.

## No. 174.

OFFICE BOARD OF TRADE,  
10 St. John Street and 39 St. Sacrament Street,  
MONTREAL, 17th March, 1892.

Hon. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

SIR,—I have the honour to communicate the following minute adopted by the council of this board on 15th instant as the result of its consideration of the probable loss of trade to this country in consequence of the tariff difficulties between Newfoundland and Canada:—

That the council is of opinion that all retaliatory legislation "against Newfoundland should be withdrawn and that diplomacy should be trusted to arrange other matters in dispute, and further that the government should be sustained in its opposition to a treaty giving rights and privileges to a foreign power on this continent in the British North American inshore fisheries, which, jointly with Newfoundland, belong to the Dominion of Canada by birthright and immemorial usage."

As the publication of this minute might be deemed inexpedient by the government, it has not been communicated to the newspaper press.

I have the honour to be, sir,

Your obedient servant,

GEO. HADRILL,

Secretary.

P.S.—A similar letter has been addressed to the Hon. J. J. C. Abbott, Premier.

## No. 175.

OTTAWA, 19th March, 1892.

GEO. HADRILL, Esq.,  
Secty. Board of Trade, Montreal.

SIR,—I beg to acknowledge the receipt of your letter of the 17th instant, communicating a minute adopted by the council of the Montreal Board of Trade on the 15th instant, with reference to the possible loss of trade to this country which the board apprehends will arise in consequence of the tariff difficulties between Newfoundland and Canada; and to inform you that the views of the board will receive careful consideration.

I am, sir,

Your obedient servant,

S. P. BAUSET,  
*Acting Deputy Minister of Fisheries.*

## No. 176.

DEPARTMENT OF FISHERIES,  
OTTAWA, 29th March, 1892.

MR. JOHN VACHER, JR.,  
Burgess, Western Shore, Newfoundland.

SIR,—I beg to acknowledge receipt of your letter of the 15th instant, asking whether, in case your vessel should repair to Canadian Labrador shore this season, you will be allowed to fish with cod seines, on paying license fee?

In answer thereto, I am directed by the minister of marine and fisheries to state, that the subject of allowing Newfoundland vessels to fish in Canadian waters is under the consideration of the government, and it is possible that fresh legislation on this question may be submitted for the consideration of parliament during the present session.

I am, sir,

Your obedient servant,

S. P. BAUSET,  
*Acting Deputy Minister of Fisheries.*

## No. 177.

30th March, 1892.

The following telegram has been sent to governor of Newfoundland.

Canadian government telegraphed on the 1st of March suggesting that pending proposed conference, former status be reverted to, Canadians being allowed bait and bait fishes as Americans without charge for licenses, the exceptional duties imposed on Canadian imports into Newfoundland to be removed and Newfoundland fishery products to be admitted free into Canada as before. They also cordially acquiesced in proposed conference in London and appointed the high commissioner to act.

Harvey having meanwhile returned to Newfoundland, I telegraphed to Canada that the proposed conference here was impossible at present, and before holding it the two governments should agree as to proceedings. Your decision might be communicated direct to Canada or if preferred I will forward it.

KNUTSFORD.



## No. 178.

OFFICE OF THE BOARD OF TRADE,  
10 ST. JOHN ST. AND 39 ST. SACRAMENT ST.,  
MONREAL, 1st April, 1892.

HON. CHAS. H. TUPPER,  
Minister of Marine and Fisheries, Ottawa.

SIR,—I have the honour to inform you that a quarterly meeting of this board takes place on Tuesday next, 5th instant, at which it is probable anxious enquiries will be made as to the result of the council's efforts to procure a continuance of the trade of this country with Newfoundland.

The council does not wish to seem in any way to press the government in this matter, but if there is any information which might be communicated to the members of this board in quarterly meeting assembled, the council would be glad to receive it in time for that purpose.

I have the honour to be, sir,  
Your obedient servant,  
GEO. HADRILL,  
*Secretary.*

## No. 179.

(Telegram.)

HALIFAX, N.S., 4th April, 1892.

HON. CHARLES H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

Can you kindly inform Board of Trade meeting Wednesday if any steps yet taken towards *modus vivendi* with Newfoundland?

ARTHUR P. SILVER.

## No. 180.

OTTAWA, 4th April, 1892.

GEORGE HADRILL, Esq.,  
Secretary Board of Trade,  
Montreal.

DEAR SIR,—I have your letter of 1st instant, asking that you be supplied with any information which might be communicated to the Montreal Board of Trade at its quarterly meeting on Tuesday 5th inst.

I may say that I am not in a position at present to give any further information than what has already appeared in the newspapers, and to state that as the matter stands the position is, that Canada is willing to revert to the position prior to the enforcement of the Bait Act; she is willing to restore to Newfoundland the suspension of the Act of 1885 if Newfoundland removes the restrictions regarding the bait supply and the traffic in frozen herring and the tariff of 1891.

Yours faithfully,  
CHARLES H. TUPPER.

KNUTSFORD.

A, 19th March, 1892.

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board of Trade on the 15th  
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servant,  
P. BAUSET,  
Minister of Fisheries.

FISHERIES,  
A, 29th March, 1892.

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P. BAUSET,  
Minister of Fisheries.

30th March, 1892.

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I telegraphed to Canada  
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## No. 181.

(Telegram.)

OTTAWA, 5th April, 1892.

ARTHUR P. SILVER, Esq.,  
Halifax.

The imperial government has communicated our proposal for a *modus vivendi* to the government of Newfoundland. It is practically that we resume the *statu quo*, 1889, pending a friendly discussion by representatives of both countries at the colonial office, pending also a decision of the judicial committee of the privy council upon the existing bait regulations.

We have no reply yet from Newfoundland.

CHARLES H. TUPPER.

## No. 182.

OFFICE OF THE BOARD OF TRADE,  
HALIFAX, 16th April, 1892.

To the Honourable C. H. TUPPER,  
Minister of Marine and Fisheries,  
Ottawa.

SIR,—I have the honour to forward you the following resolution passed at a meeting of this board held on the 6th inst. :—

That whereas, the Halifax Board of Trade is deeply sensible of the grave injury to trade that results from the hostile legislative enactment between the governments of Newfoundland and Canada, and of the great loss and inconvenience that are inflicted on both countries by the present position of affairs, be it resolved: (1) That the Halifax Board of Trade urge on the government of Canada by special memorial the desirability of arranging, if possible, a *modus vivendi* under the terms of which the hostile tariffs and enactments of both countries should be held in abeyance until sufficient time is given to enable diplomatic conferences to adjust the whole difficulty.

(2.) That the Halifax Board of Trade is of opinion that the Bond convention between the government of Newfoundland and the United States would affect Canadian fishery interests most injuriously, in that the produce of the Canadian fisheries would compete in the American markets with the produce of the Newfoundland fisheries at an enormous disadvantage, represented by the severe duties exacted from produce of Canadian fisheries, from which the produce of Newfoundland fisheries would be exempt. And that the Halifax Board of Trade deem it desirable that the Canadian government should use every possible effort to prevent the Bond convention from being carried into effect.

(3.) That the Halifax Board of Trade should also memorialize the Canadian government to urge on the Newfoundland government the withdrawal of the Bait Act directed against Canadian fishing vessels, on the grounds that its enforcement is a violation of the pledge given by the government of Newfoundland, is opposed to the comity that should exist between colonies under the British flag, and is not a fair return for the port privileges which Newfoundland fishing vessels enjoy without restriction in the Canadian and Labrador coasts and their free admission to Canada's inshore fisheries.

I am your obedient servant,

CHARLES M. CREED,  
Secretary, Halifax Board of Trade.

## No. 183.

(Telegram.)

OTTAWA, 23rd April, 1892.

Sir J. S. WINTER,  
St. Johns, Nfld.

Are United States vessels obtaining free licenses as last year?

CHARLES H. TUPPER.

AWA, 5th April, 1892.

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CHARLES H. TUPPER.

BOARD OF TRADE,  
HALIFAX, 16th April, 1892.

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anada's inshore fisheries.

rvant,  
LES M. CREED,  
Halifax Board of Trade.

AWA, 23rd April, 1892.

year?  
CHARLES H. TUPPER.

# No. 184.

(Telegram.)

To HON. CHARLES H. TUPPER, Ottawa.  
Yes.

ST. JOHNS, Nfld., 23rd April, 1892.

J. S. WINTER.

# 185.

(Telegram.)

To Department Marine and Fisheries.

What restrictions will likely be enforced affecting fishery in Straits?

ST. JOHNS, Nfld., 3rd May, 1892.

W. H. WHITELEY.

# 186.

(Telegram.)

W. H. WHITLEY,  
St. Johns, Nfld.  
Subject still under consideration.

OTTAWA, 4th May, 1892.

C. H. TUPPER.

## No. 187.

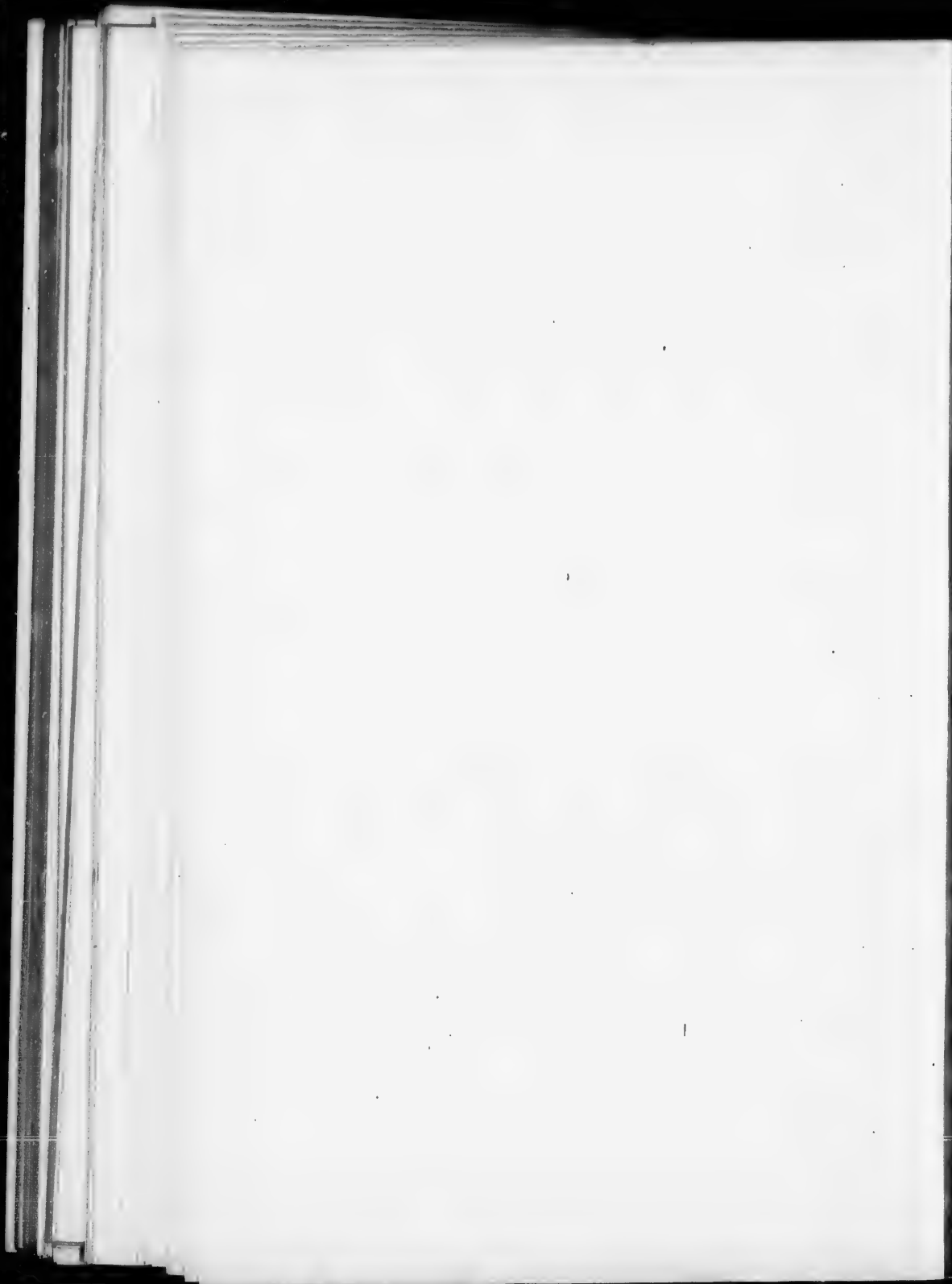
RETURN showing the Quantity, Value and kinds of Fish, Fish Oil and Fish Products amount of duty thereon which would have been paid if the duties

ARTICLES.	1887.			1888.		
	Quantity.	Value.	Duty which would have been collected if imported from other Countries.	Quantity.	Value.	Duty which would have been collected if imported from other Countries.
		\$	\$ cts.		\$	\$ cts.
Fish skins and fish offal, &c... \$		4,085			8,398	
do &c., undressed, &c.. "						
Cod, haddock, ling and pollock—						
Fresh..... Lbs.	30,900	897	154 50			
Dry salted..... Cwt.	14,514	33,860	7,257 00	25,952	78,574	12,976 00
Wet salted..... "	40	80	20 00			
Pickled..... "	48	95	48 00	60	180	60 00
Halibut—						
Fresh..... Lbs.				7,700	270	38 50
Pickled..... "	1,200	12	12 00	1,000	10	10 00
Herring—						
Fresh..... "	460,000	2,600	2,300 00	731,640	4,130	3,658 20
Pickled..... "	7,076,776	189,715	35,383 88	14,944,252	218,660	74,721 26
Smoked..... "	600	6	6 00			
Mackerel—						
Fresh..... "						
Pickled..... "	1,300	65	13 00			
Sea fish, other—						
Fresh..... "				350	17	1 75
Pickled..... "	52,700	2,020	527 00	4,000	1,525	40 00
Preserved..... "	200	3	0 75			
Oysters—						
Fresh in shell... Brls.	1	1	0 25			
Shelled in bulk... Gals.						
Lobsters—						
Fresh..... Brls.				1	3	0 60
do in cans..... Lbs.	348	32	8 00	27,776	3,424	856 00
Preserved in cans..... "						
Salmon—						
Fresh..... "	66	8	0 33	4,117	405	20 58
Smoked..... "						
Canned..... "				692	71	17 75
Pickled..... "	672,975	38,629	6,729 75	616,869	38,747	6,168 69
Fish, not in barrels, Fresh	20,820	1,349	134 10			
do all other—						
Fresh, n.e.s..... Lbs.					83	16 60
Pickled..... "	101,825	3,713	1,018 25	22,600	1,294	226 00
Fish oil—						
Cod..... Gals.	41,000	18,716	3,743 20	46,696	14,686	2,937 20
Seal..... "	95,528	43,913	8,782 60	51,092	19,951	3,990 20
Other..... "	1,806	754	150 80	677	271	54 20
Totals.....		340,503	66,289 41		390,659	105,798 53

CUSTOMS DEPARTMENT,  
OTTAWA, 18th March, 1892.

imported into Canada from Newfoundland, each year, for the past five years, and also the levied upon similar imports from other Countries had been levied.

W. G. PARMELEE,  
*Commissioner of Customs.*



# RETURN

(23)

To an ORDER of the HOUSE OF COMMONS, dated the 14th March, 1892: For a Return showing the number of Newfoundland vessels and men therein, and number of fixed fishing establishments owned by Newfoundlanders, with number of employees engaged last year in fishing, in whole or in part, within the waters adjacent to Canadian Labrador and Magdalen Islands.

By order.

J. C. PATTERSON,

*Secretary of State.*

No. 188.

List of Newfoundland Vessels fishing on Canadian Labrador, 1891.

Name of Vessel.	Tonnage.	No. of Crew.	Port of Registry in Newfoundland.
1 Morcella .....	31	8	St. George's Bay.
2 Louie .....	32	8	Burges.
3 Extenuate .....	29	5	Fortune Bay.
4 Bertha M. ....	20	5	do
5 Rowland .....	23	6	Burges.
6 Notice .....	47	8	do
7 Eagle .....	15	4	do
8 Brothers .....	21	6	St. Lawrence.
9 Challenge .....	18	6	Placentia.
10 You and I .....	28	6	do
11 Three Brothers .....	21	6	Bonne Bay.
12 Parsee .....	21	8	Green's Pond.
13 Bismarck .....	53	10	do
14 Olive .....	23	6	Rose Blanch.
15 Manitoba .....	80	10	Fortune Bay.
16 Polar Bear .....	50	10	Bonne Bay.
17 Florence .....	17	5	do
18 Martyr .....	15	5	Cape Frail.
19 Young Brothers .....	15	5	Bonne Bay.
20 May Queen .....	23	6	do
21 Guiding Star .....	39	9	Green Bay.
22 Lady Ridout .....	22	8	Bonavista.
23 Mayflower .....	29	12	do
24 Lily .....	34	12	do
25 Hiawatha .....	40	12	Cape Frail.
26 Olivette .....	43	11	Bonavista.
27 Romeo .....	44	11	do
28 H. F. Green .....	15	7	Cape Frail.
29 Escort .....	59	9	St. George's Bay.
30 Hunter .....	45	11	Notre Dame Bay.
31 Minnie E. Storey .....	58	8	do
32 Sea Bride .....	28	6	Green Bay.
33 Elsie .....	19	6	do
34 Stella .....	36	11	do
35 Elizabeth .....	29	12	Cape Frail.
36 C. R. Ayer .....	48	12	Bonavista.



## List of Newfoundland Vessels fishing on Canadian Labrador, 1891—Concluded.

Name of Vessel.	Tonnage.	No. of Crew.	Port of Registry in Newfoundland.
37 Brove.....	40	8	Catalina.
38 Lily Joyce.....	20	7	Trinity.
39 Excel.....	39	11	do
40 Rose Glee.....	52	11	do
41 Island Belle.....	49	12	Bonavista.
42 Starlight.....	27	9	Trinity.
43 Mary Grace.....	41	11	do
44 Larkspur.....	45	12	Pindus Island.
45 Maid of the Valley.....	41	10	Bonavista.
46 Greel Leag.....	53	12	do
47 Mary.....	68	12	Trinity.
48 Elizabeth.....	57	12	do
49 Velox.....	20	5	Trinity.
50 Lushamia.....	50	11	do
51 Oleander.....	64	14	Carbonnear.
52 Henry West.....	67	17	do
53 Francis.....	12	6	Bonavista.
54 A. W. Dodd.....	75	18	Carbonnear.
55 Pandora.....	15	4	Bonne Bay.
56 Jessie.....	15	4	do
57 Penelope.....	15	4	do
58 Annie Laurie.....	15	4	do
59 Peronia.....	15	4	do
60 Royal Arch.....	50	11	Trinity.
61 Bay State.....	50	13	Harbour Grace.
62 Aaron Perkins.....	43	7	Burin.
63 Jessie.....	42	12	Bonavista.
64 Wm. Mitchell.....	41	5	Fortune Bay.
65 Esther Thibault.....	51	5	do
66 Lady Thorburn.....	60	10	Trinity.
67 Nellie.....	47	10	do
68 Billow.....	65	12	do
69 Seaway.....	50	15	do
70 Water Lilly.....	40	10	do
71 Jessie.....	48	12	Carbonnear.
72 Maude.....	35	15	Harbour Grace.
73 Orange Lily.....	10	5	Trinity.
74 Here I Am.....	15	5	do
75 City Point.....	48	12	Carbonnear.
76 Jim.....	38	9	Hau Harbour.
77 Mary S. Jane.....	31	5	Fortune Bay.
78 Little Gem.....	44	6	Burin.
79 Mervyn.....	33	5	do
80 Forest Belle.....	40	10	Trinity.
81 Kestrel.....	38	11	do
82 Starlight.....	40	9	do
83 M. Florence.....	36	8	Fortune Bay.
84 Olovia.....	48	11	Conception Bay.
85 Ernest.....	45	8	Trinity Bay.
86 Ocean Queen.....	38	11	Bonavista.
87 Delta.....	67	9	Green Bay.
88 Queen of the Fleet.....	56	11	Green Pond.
89 Violet.....	25	11	Bonavista.
90 Pearl.....	40	11	Trinity.
91 Druid.....	70	14	do
92 Annie.....	68	14	do
93 Speedy.....	33	6	Burin.
94 Flying Cloud.....	18	5	do
95 Ruby.....	30	9	Trinity.
96 Sweet Briar.....	30	7	Burin.
97 Juliette.....	38	9	Bonavista.
98 Constance.....	49	13	Green Pond.

, 1891—Concluded.

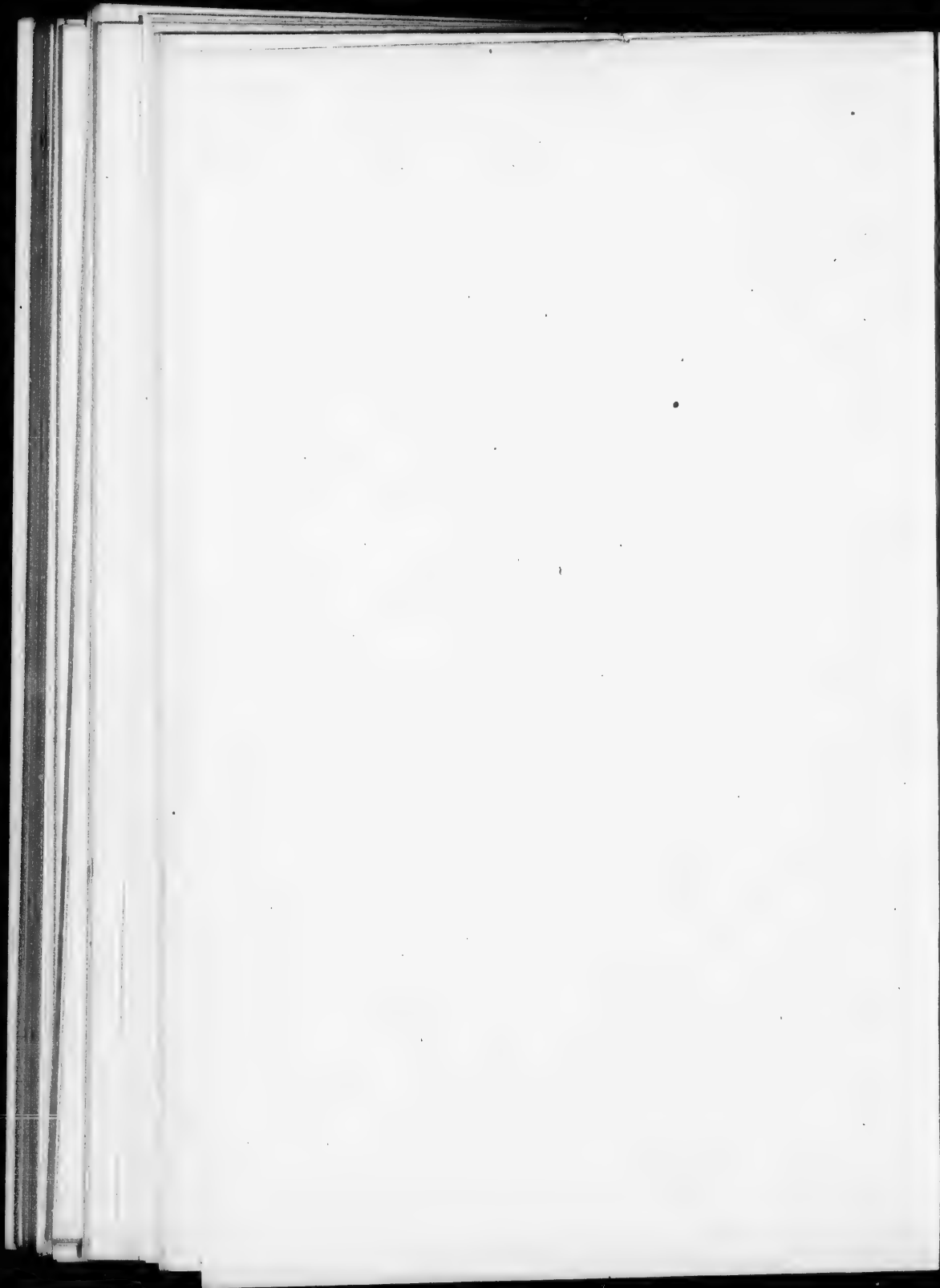
## No. 189.

STATEMENT showing the number of Fixed Fishing Establishments owned by Newfoundlanders, with number of employes engaged last year in fishing in whole or in part, within waters adjacent to Canadian Labrador, and Magdalen Islands.

Locality.	Name of Owner.	Manager.	No. of Men employed on room.
Greenly Island.....	Jobb, Bros. & Co....	Samuel Blandford..	100
Gulch Cove.....	Stone & Co.....	A. Stone.....	25
Bradore Bay.....	Penny, Bros.....	Capt. Penny.....	25
Middle Bay.....	Smith & Pilly.....	Capt. Smith.....	50
Salmon Bay.....	Jobb, Bros. & Co.....	Capt. Brown.....	75
Bonne Esperance.....	do.....	W. Whitely.....	200
Sundry small stations.....	.....	.....	25
Total.....	.....	.....	500

No Newfoundland vessels fished at the Magdalen Islands, and there are no fixed fishing establishments there owned by Newfoundlanders.

Department of Marine and Fisheries,  
Ottawa, 5th May, 1892.



## FURTHER PAPERS

(23j)

Respecting the enforcement by the Newfoundland authorities against Canadian fishing vessels of the Newfoundland Act respecting the sale of bait to foreign vessels.

OTTAWA, 20th May, 1892.

No. 190.

*Lord Knutsford to Lord Stanley of Preston.*

DOWNING ST., 26th March, 1892.

Governor General of Canada,  
&c., &c., &c.

MY LORD,—I have the honour to acknowledge the receipt of your telegram of the 15th instant, stating the views of your ministers as to the manner in which the Draft Newfoundland Convention discriminates against Canada in favour of the United States.

Sections iv and v of the draft convention on which your ministers rely in support of their contention are as follows :

### *Article IV.*

When this convention shall come into operation, and during the continuance thereof, the duties to be levied and collected upon the following enumerated merchandise imported into the colony of Newfoundland from the United States shall not exceed the following amounts, viz.:—

Flour, 25 cents per barrel.

Pork, 1½ cents per lb.

Bacon and hams, tongues, smoked beef and sausage, 2½ cents per lb. or \$2.50 per 112 lbs.

Beef, pigs' heads, hocks and feet salted or cured, ½ cent per lb.

Indian meal, 25 cents per barrel.

Peas, 30 cents per barrel.

Oatmeal, 30 cents per barrel of 200 lbs.

Bran, Indian corn and rice, 12½ per cent. *ad valorem*.

Salt, in bulk, 20 cents per ton of 2,240 lbs.

Kerosene oil, 6 cents per gallon.

And the following articles imported into the colony of Newfoundland from the United States shall be admitted free of duty.

Agricultural implements and machinery imported by agricultural societies for the promotion of agriculture.

Crushing mills for mining purposes.

Raw cotton.

Corn for the manufacture of brooms.

Gas engines when protected by patent.

Ploughs and harrows.

Reaping, raking, ploughing, potato-digging, and seed-sowing machines to be used in the colony.

Printing presses and printing types.

*Article V.*

"It is understood that if any reduction is made by the colony of Newfoundland, at any time during the term of this convention, in the rates of duty upon the articles named in article iv of this convention, the said reduction shall apply to the United States."

The obvious meaning of article iv is that when the convention comes into force and during its continuance the maximum duties which may be levied in Newfoundland on certain goods mentioned imported from the United States are to be those stated in the article. These rates of duty, with the exception of those on flour and pork, are the rates levied under the existing Newfoundland Tariff Act, while section 22 of that act, as I have already informed you in my telegram of the 1st inst., provides that after the convention comes into force, the duties on pork and flour are to be at the rates specified in article iv of the draft convention.

The draft convention, as is natural in an arrangement applying only to the United States, speaks only of goods imported from that country, but there is nothing in article iv to imply that Newfoundland will not extend to other countries the scale of duties specified therein.

Moreover, as I need scarcely remind you, the convention, even if it had come into force, could not of itself affect the rates of duty on imports.

That can only be done by an act of the Newfoundland legislature, and as I have already informed you in my telegram of the 1st inst., section 22 of the Newfoundland Tariff Act makes the reduction of duty on flour and pork, on the coming into force of the convention, of general application.

Your ministers may rest assured that Her Majesty will not be advised to assent to any Newfoundland legislation discriminating directly against the products of the Dominion.

As to article v of the draft convention, the obvious meaning of the provision is to secure to the United States during the continuance of the convention most favoured nation treatment in Newfoundland with regard to the articles specified in article v, and it does not appear to me to bear the construction which has been put upon it, that in the event, say, of Newfoundland reducing the duty on flour to 25 cents per barrel, flour from the United States is to enjoy a further reduction proportioned to the ratio between the existing duty and that specified in the draft convention. I am aware that this interpretation of article v has not been put forward officially by your ministers, but it has been mentioned in conversation by the high commissioner, and I think it right therefore to notice it, especially as article v is referred to in your telegram under acknowledgment, and it is therefore possible that your government may share the views of Sir Charles Tupper as to the effect of this provision. With regard to the bearing of the draft convention on the treaty of 1818 and the act of 1819, the coming into operation of the convention would undoubtedly give to United States fishing vessels in Newfoundland waters privileges in excess of those allowed to them under the treaty, but similar privileges are, without any act of the imperial parliament, at present accorded to United States fishing vessels in Canada on payment of a license fee of \$1.50 per ton, and so far as Canada is concerned, the convention would leave the treaty of 1818 absolutely unimpaired.

I have thought it advisable to give you those explanations with regard to the draft convention, as it is manifestly desirable that in the regrettable disputes between the Dominion of Canada and the colony of Newfoundland any misapprehension as to matters of fact or of intention should be cleared away, and thus leave the way open for a friendly settlement as soon as circumstances may permit.

I have, &c.,

KNUTSFORD.

## No. 191.

*Lord Stanley of Preston to Lord Knutsford.*

GOVERNMENT HOUSE, OTTAWA, 26th March, 1892.

The Rt. Hon. the Secretary of State for the Colonies.

MY LORD,—I had the honour to send to your lordship to-day, a telegraphic message in cypher, of which the following is the substance :

When you suggested a conference, we answered on 1st and again on 3rd of March, acquiescing in proposal. We would be glad if you would telegraph to Newfoundland the substance of your suggestion and of our answer. We believe that Harvey was in London on the above dates, and as our telegram was in reply to your suggestion, we did not send a copy to Newfoundland.

I have, &amp;c.,

STANLEY OF PRESTON.

## No. 192.

*Lord Knutsford to Lord Stanley of Preston.*

DOWNING STREET, 9th April, 1892.

Governor General of Canada, &amp;c., &amp;c.

MY LORD,—I have the honour to acknowledge the receipt of your despatches Nos. 76 and 77 of the 10th March, forwarding minutes of the Dominion privy council respecting the bait controversy with Newfoundland.

I have carefully considered these papers, and I think that on re-consideration your ministers will agree with Her Majesty's government that they would not be warranted in placing an *ex parte* statement of this controversy prepared by one side only, before the privy council.

Your Ministers will doubtless consider whether there is any other way by which the legality of the action of the Newfoundland government can be tested.

I have, &amp;c.,

KNUTSFORD.

## No. 193.

*Lord Stanley of Preston to Lord Knutsford.*

GOVERNMENT HOUSE, OTTAWA, 12th April, 1892.

The Rt. Hon. the Secretary of State for the Colonies, &amp;c., &amp;c.

MY LORD,—I had the honour to send your lordship to-day a telegraphic message in cypher, of which the following is the substance :—

It is important in view of discussion in Newfoundland that we should at once place on record our proposal embodied in my telegram to you of 1st March.

Have you any objection to my telegraphing in that sense direct to Governor of Newfoundland?

Telegraph answer.

I have, &amp;c.,

STANLEY OF PRESTON.

KNUTSFORD.

## No. 194.

*Lord Stanley of Preston to Lord Knutsford.*GOVERNMENT HOUSE,  
OTTAWA, 14th April, 1892.The Right Honourable  
Lord Knutsford, G.C.M.G.

MY LORD,—I had the honour to send to your lordship to-day the following telegraphic message:—

“Dominion government wish that I should telegraph to you joint resolution passed by legislature of Prince Edward Island.”

*(Here follow terms of resolution.)*

I have now the honour to enclose copy of the resolution in question.

I have, etc.,

STANLEY OF PRESTON.

[Enclosure 1 in No. 194.]

May it please Your Honour,

The Legislative Council and House of Assembly of the province of Prince Edward Island convened have unanimously agreed to a joint resolution, namely:—

Whereas it has been brought to the notice of the legislature of Prince Edward Island that a revenue bill now before the legislature of Newfoundland contains provisions for imposing upon certain products of Canada differential or discriminating duties far in excess of the regular tariff of duties imposed upon similar products of other countries, which discriminating duties are calculated if put into force to disturb and cripple the commerce heretofore carried on between these two dependencies of Her Majesty, therefore resolved, that this house humbly prays his excellency the governor general to bring the matter to the notice of the colonial minister and ask him to interpose his good offices towards preventing the said discriminating clauses being enacted by the said legislature of Newfoundland, and most respectfully request that your honour would be pleased to forward by telegraph to his excellency the governor general the foregoing resolution passed by both branches of this legislature.

BENJ. ROGERS, *President Legislative Council.*D. B. McLENNAN, *Speaker House of Assembly.*J. S. CARVELL, *Lieutenant Governor.*

## No. 195.

*Lord Knutsford to Lord Stanley of Preston.*

16th April, 1892.

The following telegram from Governor of Newfoundland has been received:—

13th April, 1892.

My advisers have no objection to conference with representative of Canada. Assuming, however, position maintained by Canada and approved by England that the colonies have right to make their fiscal arrangements with foreign (countries), must stipulate that Canada withdraw protest to convention as preliminary.

KNUTSFORD.



## No. 196.

*Lord Stanley of Preston to Sir Terrence O'Brien.*

16th April, 1892.

Canadian government learn that secretary of state for the colonies has communicated to you the substance of communications between the colonial office and this government. Canada proposes to place the matter definitely before your government, that both countries shall, during the present season, resume and retain the *status quo* anterior to the enforcement of the Bait Act.

Meantime efforts towards settlement of difficulties may be made in such manner as the two countries shall agree upon. For this purpose the government of Canada suggests a conference either in America or England at a convenient time. The latter country would be preferred, so as to enable an English representative to take part in the conference.

STANLEY OF PRESTON.

## No. 197.

*Sir Terrence O'Brien to Lord Stanley of Preston.*

18th April, 1892.

The secretary of state for the colonies has desired me to repeat the following telegram sent on the 12th instant to him:—

I forward following minute of council at the request of my ministers. My government considers it desirable that Her Majesty's government should be informed of the following facts immediately:—

The leader of the opposition stated on the 6th instant, on the authority of Mr. Tupper, that Mr. Blaine, at the conference held with Tupper and Pauncefote on 2nd April, 1891, asserted that Bond had expressed the intention of this government to exclude Canadians from the bait privileges. As the leader of the opposition purports to quote from a despatch to Lord Stanley by Tupper, my government telegraphed to Mr. Blaine immediately asking if the statement was correct, and received in reply the following:—

"I never stated to Tupper that you had expressed the intention of your government to exclude Canadians from bait. You never mentioned anything of the kind to me. Sir Julian Pauncefote was present at the Tupper interview, and says that no such thing was referred to or said."

This emphatic answer establishes the fact that no promise that Canadians would be excluded from bait under the convention was given or implied, or that the United States would be treated in any way differentially (or differently).

O'BRIEN.